

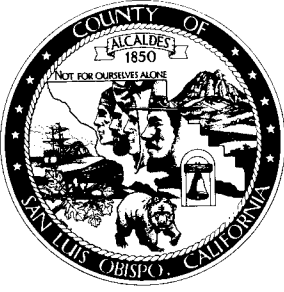
**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE February 28, 2006		(3) CONTACT/PHONE Nancy E. Orton, Supervising Planner (805) 781-5008	
(4) SUBJECT Hearing to consider an appeal by Jim and Julie McDougall of a Planning Commission determination (pursuant to Land Use Ordinance Section 22.70.050) that potbellied pigs are similar to hogs and swine and are subject to the ordinance standards for keeping of these animals. The property is within the Residential Single Family land use category, is approximately 11,860 square feet, and is located at 1730 Peacock Place in the community of Oceano (APN 062-303-021). The site is in the San Luis Bay Planning Area (SUPERVISORIAL DISTRICT 4).					
(5) SUMMARY OF REQUEST The applicants, Jim and Julie McDougall, are requesting that the Board of Supervisors overturn the November 10, 2005, decision of the Planning Commission which denied the appeal of the Planning Director determination that potbellied pigs are similar to hogs and swine and are subject to the ordinance standards for keeping of these animals. The applicants request that the Board of Supervisors find that potbellied pigs are similar to household pets and may remain on the property.					
(6) RECOMMENDED ACTION Adopt the resolution upholding the decision of the Planning Commission and denying the appeal of the Planning Director determination based on the findings in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Planning Commission, County Counsel, Code Enforcement, Department of Animal Services					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, <input checked="" type="checkbox"/> 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 50 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

Ch Leslie Brown

C-2
(2.28.06)



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: NANCY E. ORTON, PERMIT CENTER *N.E.O.*
VIA: KIM MURRY, DIVISION MANAGER, PERMIT CENTER *KM*
DATE: FEBRUARY 28, 2006
SUBJECT: HEARING TO CONSIDER AN APPEAL BY JIM AND JULIE McDOUGALL OF A PLANNING COMMISSION DETERMINATION (PURSUANT TO LAND USE ORDINANCE SECTION 22.70.050) THAT POTBELLIED PIGS ARE SIMILAR TO HOGS AND SWINE AND ARE SUBJECT TO THE ORDINANCE STANDARDS FOR KEEPING OF THESE ANIMALS. THE PROPERTY IS WITHIN THE RESIDENTIAL SINGLE FAMILY LAND USE CATEGORY, IS APPROXIMATELY 11,860 SQUARE FEET, AND IS LOCATED AT 1730 PEACOCK PLACE IN THE COMMUNITY OF OCEANO (APN 062-303-021). THE SITE IS IN THE SAN LUIS BAY PLANNING AREA (SUPERVISORIAL DISTRICT 4).

RECOMMENDATION

Adopt the resolution upholding the decision of the Planning Commission and denying the appeal of the Planning Director determination based on the findings in Exhibit A.

DISCUSSION

On November 10, 2005, the Planning Commission denied an appeal by Jim and Julie McDougall of a Planning Director determination that potbellied pigs are similar to hogs and swine and are subject to the ordinance standards for the keeping of these animals. Essentially, swine are not allowed in the Residential Single Family land use category and a property must be at least 2.5 acres. The subject property is zoned Residential Single Family; is less than 12,000 square feet in size; and has 4 dogs, 2 cats, and 4 potbellied pigs, for a total of 10 animals.

The McDougall's property is the subject of a Code Enforcement case (COD2004-00434) opened as a result of several neighborhood complaints regarding the flies and smell associated with the keeping of the four potbellied pigs. Several letters are attached from three of the neighbors describing various incidents that have occurred since the complaints were filed.

C-2

The property is situated at the end of a private easement called Peacock Lane, in a residential single family as well as duplex neighborhood off of Christmas Tree Place in Oceano. The closest neighboring dwelling to the site is 5 feet on the west side of the fence on the McDougall's property, which is where three of the pigs stay. To the south, the nearest home is approximately 45 feet away from the property line. The property to the east is vacant; however, a 5-lot tract map was approved in July, 2004. Once the map records, there will be three lots of 6,600 to 7,000 square feet backing up to the site. To the north, a duplex is located within approximately 25 feet of the rear property line, where the fourth pig is in a penned area.

The purpose of the animal keeping section of the Land Use Ordinance (22.30.090) is to:

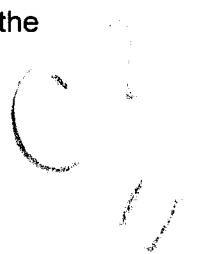
"limit the number of animals allowed and the methods by which domestic, farm and exotic animals may be kept on private property, under the circumstances specified. This section is intended to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of animals. Potential adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation."

The applicable standards for hogs and swine (of which the potbellied pig species is part of) are the following:

Hogs and swine.

- a. **Limitation on use.** The keeping of hogs and swine is prohibited in the Residential Single-Family category, except as otherwise provided by Subsection H.1 (FFA projects).
- b. **Animal density.** The maximum number of hogs or swine allowed is three sows, one boar and their unweaned litter. More animals constitute a hog ranch, and are subject to Section 22.30.100E (Hog ranches).
- c. **Setbacks.** Animal enclosures shall be located no closer than 100 feet from any dwelling other than those on the site.

The other definition that is part of the appeal is that of household pets. Although the Land Use Ordinance does not include a *formal* definition of household pets, Section 22.30.090F states that no permit is required for "three or fewer cats/dogs; or household pets other than cats/dogs". The ordinance is silent on what "*other than*" cats/dogs means, implying that there are other animals that could be considered as household pets. The keeping of four or more dogs or cats as household pets is not allowed per the ordinance.



On November 21, 2005, the Planning Department received an appeal of this decision by the applicants, Jim and Julie McDougall. The following discusses the issues raised in the appeal.

APPEAL ISSUES

Appeal Issue 1: The appellants state that the domesticated potbellied pig is a distant, and much smaller cousin of the farm hog and swine, that many cities and counties allow people to have potbellied pigs as pets, and that they should be governed by the same ordinances that regulate dogs and cats.

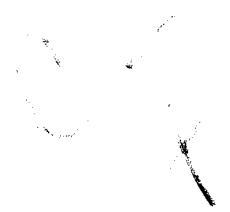
Staff Response: The Planning Director made the determination that even though the potbellied pig is not classified by some agencies as livestock or is not used for food production, the impacts associated with the keeping of potbellied pigs is similar enough to hogs and swine to be subject to the same restrictions, specifically, that a property must be at least 2.5 acres to allow potbellied pigs, and that they are not allowed in the Residential Single Family land use category. The Planning Commission affirmed that determination.

Appeal Issue 2: The appellants state that they were told several times by Department of Animal Services that there is no limit on the number of animals they could have, and that potbellied pigs are allowed in Oceano. The appellants state they will apply for the appropriate land use permit to keep all 10 animals on their property.

Staff Response: Staff does not dispute that Animal Services is providing information contained in Title 9 of the County code. Nonetheless, the Planning Department implements Title 22, which regulates land use and contains limitations on the keeping of animals. These standards are enforced primarily on a complaint-driven basis: the complaints that were received about the potbellied pigs resulted in a Code Enforcement case. The specific requirements of Title 22 are provided in the Discussion section above.

As a result of this appeal, the Animal Services Director has committed to being more aggressive in informing applicants of other regulations that apply. In order to allow potbellied pigs to stay at this location, the Board would need to find that potbellied pigs may be considered household pets. That finding could remain as a Board interpretation to the ordinance that staff would implement as policy countywide, or the ordinance could be amended. The number of household pets would remain at three maximum. If either action above were taken, the appellants would still need to obtain approval of a conditional use permit to authorize the number of household pets kept on the property.

Appeal Issue 3: The appellants are requesting a refund of the appeal fee of \$584 that was paid to appeal the Planning Director determination to the Planning Commission because they do not feel they were treated fairly or with the respect and dignity warranted by their situation.



Staff Response: The appeal fee covers the cost of legal noticing and staff time for preparation of reports and presentations to the Planning Commission. The fee was spent processing the appeal that was requested by the McDougalls. In fact, the fees that the Board of Supervisors set for appeals do not reflect full cost recovery in order to make the process affordable to appellants.

OTHER AGENCY INVOLVEMENT

Planning Commission, County Counsel, Code Enforcement, Department of Animal Services.

FINANCIAL CONSIDERATIONS

The required appeal fee was paid at the time the appeal was submitted.

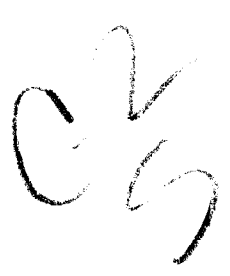
RESULTS

Denial of the appeal and confirmation that potbellied pigs are members of the swine family would result in removal of the potbellied pigs from the property and resolution of the code enforcement case.

Approval of the appeal and a determination that potbellied pigs are considered household pets could allow the four (4) potbellied pigs to remain on this 11,860 square foot lot and allow other residents throughout the county to have potbellied pigs on small lots. The appellants would be required to obtain conditional use permit approval to modify the number of household pets allowed on this property.

ATTACHMENTS

1. Resolution upholding the Planning Commission decision.
2. Appeal Form and letter from appellants addressing appeal issues.
3. Correspondence received since the Planning Commission hearing.
4. Staff report and minutes, with attachments and correspondence, received from the November 10, 2005 Planning Commission hearing.



ATTACHMENT 1

**RESOLUTION UPHOLDING THE
PLANNING COMMISSION DECISION**

06

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

28th day of February, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND
DISAPPROVING THE REQUEST BY JIM AND JULIE McDOUGALL FOR AN APPEAL OF
A PLANNING DIRECTOR DETERMINATION

The following resolution is now offered and read:

WHEREAS, on November 10, 2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the appeal of Jim and Julie McDougall of a Planning Director determination; and

WHEREAS, JIM and JULIE McDOUGALL have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 28, 2006, and a determination and decision was made on February 28, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

4. That the appeal filed by JIM and JULIE McDOUGALL is hereby denied and the decision of the Planning Commission is upheld that the appeal by JIM and JULIE McDOUGALL of a Planning Director determination is hereby disapproved based upon the findings of fact and determinations set forth in Exhibit A, incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor

_____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____

Deputy County Counsel

Dated: _____

February 14, 2006

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

EXHIBIT A – FINDINGS

- A. A potbellied pig is considered to be a member of the swine family and is, therefore, subject to the hog and swine standards of Section 22.30.090H.8, of the Land Use Ordinance.
- B. Section 22.30.090H.8 states that the keeping of hogs and swine is prohibited in the Residential Single Family category, except for FFA projects. The potbellied pigs on the project site are not being kept as an FFA project. Because the potbellied pigs are not FFA projects, they are prohibited in the Residential Single Family land use category. The project site is located in the Residential Single Family land use category; therefore, potbellied pigs are not allowed on this site.
- C. This request for an interpretation of the Land Use Ordinance is not a “project” under the California Environmental Quality Act and, therefore, does not require an environmental determination.

C/10

ATTACHMENT 2

**APPEAL FORM AND LETTER FROM
APPELLANTS ADDRESSING APPEAL ISSUES**

OK



Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☒ Variance
☐ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☒ Other COUNTY ORDINANCE

File Number: _____

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other _____

Date the application was acted on 11/10/05

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

SEE ATTACHED SHEET

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (<i>attach additional sheets if necessary</i>)
<u>SEE ATTACHED SHEETS</u>	

APPELLANT INFORMATION

Print name: Jim and JOLIE McDUGALL

Address: 1730 PEACOCK PL, OCEANO Phone Number (daytime): 734-5328
714-7811

We have completed this form accurately and declare all statements made here are true.

Signature _____

Date 11/20/05

OFFICE USE ONLY

Date Received: 11-21-05

Amount Paid: \$604.50

By: MLV L7:011W 12 AON 9007
Receipt No. (if applicable): attached

Revised 7/31/01/ep



11/21/2005
10:50:17AM

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Receipt #: 29200500000000001444

Date: 11/21/2005

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee -	0000-0000- - -	604.00
Line Item Total:					\$604.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	JIM MCDOUGALL		845		In Person	604.00
Payment Total:						\$604.00

Balance

C2
13

JIM McDOUGALL
LIC. C0536894 805-474-6800
1730 PEACOCK PL.
OCEANO, CA 93445

90-2188/1222
0148859711

845

DATE 11/20/05

AY TO THE SLO COUNTY PLANNING
RDER OF

\$ 604⁰⁰/₁₀₀

SIX HUNDRED FOUR⁰⁰/₁₀₀

DOLLARS

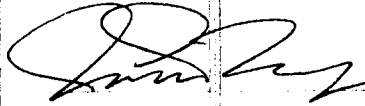
 Security Features
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PO BOX 260 805-480-4293
ATREYO GRANDE, CA 93427 CUBO
CUSTOMER SERVICE 800/810-4777/78

IFMO

PET BELIEVED P.G. APPEAL



MP

⑆122221686⑆0845 0148859711⑈

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14

Subject: Potbellied Pigs

Basis/Reason for Appeal

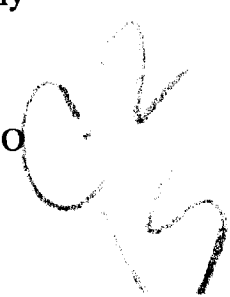
SLOCC 22.30.090(H8a) *Limitation on Use. The keeping of hogs and swine is prohibited in the Residential Single-Family category, except as otherwise provided by Subsection H.1.*

The San Luis Obispo County Planning Commission upheld the Planning Director's decision to classify Potbellied Pigs as "Hogs and Swine", thus "...the keeping of pot-bellied pigs is similar enough to swine to be subject to the same restrictions." Our intention is to argue the position that the domesticated potbellied pig is a distant, and much smaller, cousin of the farm Hog and Swine, similar to dog/wolf and house cat/lion relationships. Potbellied Pigs are included as household pets in many city and counties throughout the country. We know of at least 54 cities/counties within California alone, including Arroyo Grande and Paso Robles, which allow people to have Potbellied Pigs as pets. Potbellied Pigs are, and should, be governed by the same, or similar, codes and ordinances that regulate dogs and cats. We intend to individually address the "nuisance" concerns of the city/county directors listed in paragraph 3 of the attached letter from Ms. Orton.

SLOCC 9.04.110(p) *"Household pets" means, but is not limited to, cats, dogs, canaries, parrots, fish, hamsters, rabbits, turtles, lizards, snakes, and other kindred animals usually and ordinarily kept as household pets.*

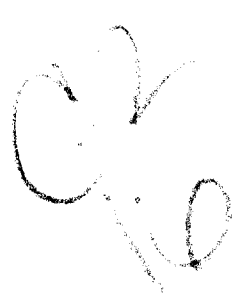
Potbellied Pigs are, in fact, "kindred animals usually and ordinarily kept as household pets." Potbellied Pigs are kept for no other reason than as a comfort Household Pet, and should be given the same consideration as dogs and cats. We will show several letters from Veterinarians in the county, including Dr. Anderson of SLO County Animal Services, attesting to the fact that Potbellied Pigs are considered pets and not livestock. The definition of "Household Pets" within the SLO County ordinances should also include Potbellied Pigs to avoid any future confusion or need for interpretation.

Variance: We contacted SLO County Animal Services on several occasions inquiring as to what the rules were on how many animals we could have in a residential area of Oceano. We also inquired about having Potbellied Pigs in Oceano. Repeatedly, we were informed that there is no limit on the number of animals we can have and that Potbellied Pigs are allowed in residential areas of Oceano. The Planning Commission acknowledged that Animal Services would be the logical agency for a citizen to contact regarding rules on the keeping of animals, and acknowledged that we did act responsibly in contacting Animal Services. Dr. Anderson of Animal Services testified that his department is only charged with enforcing Title 9 of the county code and that his department has been telling the public that there are no restrictions on the number of animals, and that Potbellied Pigs are allowed, in unincorporated residential areas of SLO County. Title 22 of the county code addresses zoning issues, which specifies the type



and number of animals allowed in various zones. The Planning Commission found that there is a discrepancy between Title 9 and Title 22 and the Planning Department was directed to fix the problem so there will be no future mishaps. We, in good faith, checked with the proper agency (Animal Services) on numerous occasions and were given the go-ahead on our 4 dogs, 2 cats and 4 potbellied pigs. The County Health Department, Ms. Scamara (code enforcement) and Mr. Roos, as well as numerous letters that we submitted, all acknowledged that neither the odor nor the fly population, which was the basis of the neighbor's complaints, were present or offensive. Further, the Planning Commission acknowledged that we are very conscientious pet owners and that we keep our property very clean. We have acted responsibly in acquiring and caring for our pets. Now, after having our pets since babies, ranging in age from 2-1/2 to 10 years old, we have been directed to eliminate 7 of our beloved family members. We are the victims of an unaccountable bureaucracy and should not have to give up our pets. We will be seeking a Variance to allow us to keep our pets and live in peace.

Refund of Fees Paid: During the Planning Commission proceedings we were continually disrespected by a couple members of the Commission. Chairman Roos started out the proceeding with laughing about how he castrated a potbellied pig, without anesthesia, and a group of children happened to witness it. We would doubt very much if anyone could stomach the castration of a dog or cat without anesthesia, so why did Mr. Roos find this to be amusing? We were standing before him in an attempt to keep our family together. How could we not find this joke or behavior offensive? Further, Mr. Roos went on to tell "3 little rich pig" jokes throughout the hearing. Throughout our testimony Mr. Roos continually motioned for us to hurry up. At one point he mentioned that it was lunch time and the Commission members had plans for lunch. At the end of the hearing, at which time we were breaking down in tears, Mr. Roos got in one last "3 little pig" joke whereupon Ms. Christie joined in with a girlish voice asking whether they lived in a "straw house or a thatch house". We were standing before this Commission defending our family and we were continually humiliated and disrespected. The distress and depression that we have had to deal with because of the flippant and inhumane manner that Mr. Roos conducted the meeting is overwhelming. We felt as though we would be treated with all the fairness and respect that a citizen in this position should be given by a governing body and we were left feeling as though we were idiots for defending our family. We paid close to \$600 to be heard in front of this Commission and we do not feel as though we were treated fairly or with the respect and dignity that was warranted in this situation. We would like to be refunded our \$584 and we deserve an apology from Mr. Roos and Ms. Christy.





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

June 13, 2005

Jim McDougall
1730 Peacock Place
Oceano, CA 93445

SUBJECT: Pot-bellied pigs

Dear Mr. McDougall:

Thank you for your patience while we sorted this item out. Since our ordinance doesn't differentiate between pot-bellied pigs and swine raised for agricultural purposes, I think you raise a valid question in whether or not it should have differing rules for these types of animals.

We raised the question at the city/county planning directors' meeting that was held last month and Kim Murry has been researching through the office of Planning and Research at the state level to see what, if anything, other jurisdictions are doing to address pot-bellied pigs. There doesn't seem to be much consistency in how other jurisdictions treat these animals from a regulation standpoint. The City of Arroyo Grande seems to be the only jurisdiction in the county that specifically allows these animals as domestic pets.

While I understand that pot-bellied pigs are extremely smart and behave in a manner similar to other domestic pets, our ordinance contains standards for animals based upon other criteria. Specifically, the ordinance addresses nuisance factors such as waste, smell, vectors, soil compaction, noise, etc. and indicates use limits or minimum parcel sizes for certain kinds of animals based upon those factors.

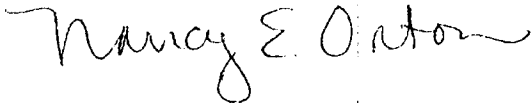
In this instance, our determination is that even though the pot-bellied pig is not classified by some agencies as livestock or used primarily for food production, the impacts associated with the keeping of pot-bellied pigs is similar enough to swine to be subject to the same restrictions. What this means is that a property must be at least 2 ½ acres in size to allow the keeping of up to 3 pot-bellied pigs and that they are not allowed in the Residential Single Family land use category.

You will need to work with the enforcement division to establish a timeframe within which to find a solution to address the pot-bellied pigs on your property.

This decision is appealable to the Planning Commission within 14 days of the date of this letter. There is an appeal fee of \$564 prior to July 1, 2005, which will increase to \$587 on July 1, 2005.

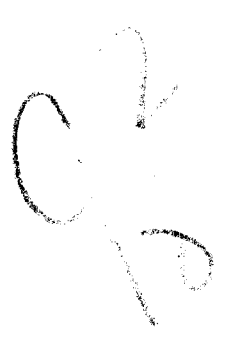
Please let me know if you have further questions.

Sincerely,



Nancy E. Orton, AICP
Permit Center Supervisor

Copy to: Kim Murry, Division Manager
Kari Scamara, Code Enforcement
Patricia Beck, Assistant Planning Director





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 21, 2005

Jim and Julie McDougall
1730 Peacock Place
Oceano, CA 93445

SUBJECT: Appeal of County of SLO Ordinance SLOCC 22.30.090(H8a)

Dear Mr. & Mrs. McDougall:

We have received an appeal on the above referenced matter. Pursuant to County Land Use Ordinance Section 22.70.050, the matter will be scheduled for public hearing before the County Board of Supervisors. The action of the Planning Commission is not effective at this time. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, 1055 Monterey Street, Room #D170, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out, you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

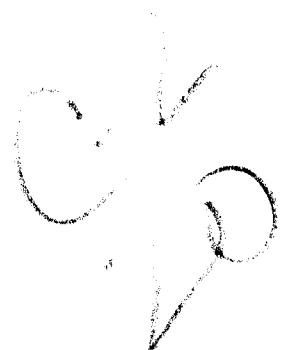
Sincerely,

Mary Velarde, Secretary
Word Processing Section

Cc: Mr. Jim Orton, County Counsel
Nancy Orton, Planner

ATTACHMENT 3

**CORRESPONDENCE RECEIVED SINCE
THE PLANNING COMMISSION HEARING**

A handwritten signature or set of initials, possibly 'C/S' or 'C/D', written in a cursive style in the bottom right corner of the page.

1785 Peacock Place
Oceano, CA 93445
481-8355
Jan. 31, 2006

To:
Supervisor Kacho Achadjian
San Luis Obispo County
1055 Monterey St. Room D430
San Luis Obispo, CA 93408

Dear Mr. Achadjian:

I am unable to attend meetings due to the effects of Lymphoma and Lyme Disease so am sending this letter regarding Julie and Jim MacDougall's appeal of the Planning Commission's decision on pot bellied pigs.

I know you already have many documents addressing odors, flies, unsightliness, various repercussions resulting from neighbor's complaints, and incorrect information given out by county animal control.

There have been a variety of stressful retaliations from the MacDougalls I feel compelled to tell you of an incident that occurred at my house on Saturday, Dec. 10.

On that day two friends and neighbors arrived with materials to build a redwood fence on my property beside their chicken wire fence which separates their front yard from my driveway. Their see-through fence had been a problem for me because their dogs, especially the Bloodhound, stand up leaning against it howling and barking when visitors pull into my driveway at times frightening Meals on Wheels volunteers and others. Almost immediately Julie MacDougall came out yelling and swearing at everyone. Then to our astonishment she got in their truck and drove it onto the green strip which is part of the easement along Peacock Place. Next she and friends she had called drove cars onto the paved easement and my private driveway, actually blocking part of the area where we planned to put the fence. The yelling and obscenities began again and at one point she came up to me, used my name and the F word and said "go into your house and die like you know you want to."

RECEIVED

FEB 07 2006

Planned Development

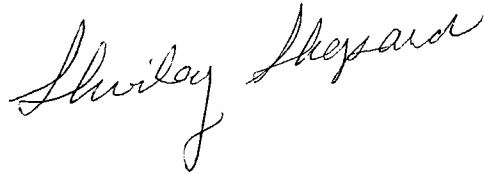
I went in and called the sheriff.

Later that same day the sheriff had to be called again because Julie put up a ladder on her own land so that she could turn her hose full blast on the Clegg's living room window.

Unfortunately it wasn't until about a week later that we discovered their truck had run over and broken off a young Redwood tree (about 6 feet tall) and slightly damaged another which I had planted several years ago after having a number of huge diseased pines removed. It also broke two water lines which run the entire length of the green strip.

I'm sure if you could poll the entire neighborhood you would find that everyone feels 10 animals - especially the 4 pigs and 4 large dogs, are too many for a quarter acre residential lot. There are other houses nearby at the back of the MacDougalls and will soon be more in the back and at the side.

Thank you,
Shirley Shepard

A handwritten signature in cursive script that reads "Shirley Shepard". The signature is written in dark ink and is positioned to the right of the typed name.

CC: Nancy Orton

A very faint, handwritten mark in the bottom right corner of the page. It appears to be a stylized signature or set of initials, possibly "CJ", but is too light to read clearly.

ATTACHMENT 4

**STAFF REPORT AND MINUTES, WITH
ATTACHMENTS AND CORRESPONDENCE,
RECEIVED FROM THE NOVEMBER 10, 2005
PLANNING COMMISSION HEARING**

C-2
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3-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Promoting the wise use of land
Helping build great communities

PLANNING COMMISSION

MEETING DATE November 10, 2005	CONTACT/PHONE Nancy E. Orton, Supervising Planner 805-781-5008	APPLICANT Jim and Julie McDougall	FILE NO. N/A
SUBJECT Hearing to consider an appeal by Jim and Julie McDougall of a Planning Director determination (pursuant to Land Use Ordinance Section 22.70.050) that pot-bellied pigs are similar to hogs and swine and are subject to the ordinance standards for the keeping of these animals. The property is within the Residential Single Family land use category, is approximately 11,860 square feet, and is located at 1730 Peacock Place in the community of Oceano. The site is in the San Luis Bay Planning Area.			
RECOMMENDED ACTION Deny the appeal based on the finding(s) listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION Not required			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Airport Review	ASSESSOR PARCEL NUMBER 062-303-021	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: N/A			
EXISTING USES: Single family residence and detached garage			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Residential Single Family/duplex <i>South:</i> Residential Single Family</div><div><i>East:</i> Residential Single Family/vacant/5-lot subdivision approved <i>West:</i> Residential Single Family</div></div>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: N/A			
TOPOGRAPHY: Nearly level		VEGETATION: Ornamental landscaping	
PROPOSED SERVICES: Water supply: Community Sewage Disposal: Community Sewer Fire Protection: Oceano CSD		ACCEPTANCE DATE: June 27, 2005	

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

C2
2X

3-2

PROJECT DESCRIPTION:

The applicant is requesting that four (4) potbellied pigs that are living on a Residential Single Family zoned lot be considered as household pets. The County Planning Department issued a letter stating that potbellied pigs would be subject to the same restrictions as the keeping of hogs and swine, which need a minimum area of 2.5 acres and are not allowed in Residential Single Family. The letter also stated that the applicant needed to establish a timeframe with code enforcement to remove the potbellied pigs from the property. The applicant appealed the Planning Director's decision and is asking the Planning Commission to rule on the keeping of the four potbellied pigs on this property, and in so doing, is requesting that the county consider potbellied pigs as household pets rather than hogs and swine.

BACKGROUND:

In May 2005, enforcement case COD2004-00434 was opened as a result of several neighborhood complaints regarding the flies and smell associated with the keeping of four potbellied pigs on a residential lot in Oceano. The Code Enforcement Division notified the owners that potbellied pigs are classified as hogs and swine and need to be removed from the property because this type of animal is not allowed in Residential Single Family zoning. The Environmental Health Department also made a site visit in response to a call about excessive feces on the property and an abundance of flies. Although there were some feces at the time of the visit, neither that nor the flies were enough to warrant the health department taking any action. The applicant also has four dogs and two cats.

In an email dated May 5, 2005 (attached), the applicant requested a Planning Director's determination that a Pot-Bellied Pig be classified as a "household pet" rather than hogs and swine. The applicant noted that there are jurisdictions that consider them to be pet animals inasmuch as they are sold by pet shops, kept as ornamental pets and are not used as a source of food for human consumption,

The Planning Director made the determination that even though the potbellied pig is not classified by some agencies as livestock or is not used for food production, the impacts associated with the keeping of potbellied pigs is similar enough to hogs and swine to be subject to the same restrictions, specifically, that a property must be at least 2.5 acres to allow potbellied pigs and that they are not allowed in the Residential Single Family land use category (attached letter dated June 13, 2005).

On June 27, 2005, the applicants appealed the Planning Director's determination because they feel that the domesticated potbellied pig is a distant and much smaller cousin of the farm hog and swine, and thus should be governed by the same, or similar codes that regulate dogs and cats. The applicant also referred to a phrase in the Title 9 (Animal Regulations) definition of household pets (which does not specifically list potbellied pigs as household pets), "...other kindred animals usually and ordinarily kept as household pets" which they feel would include the potbellied pig because potbellied pigs are kept for no other reason than as a comfort household pet and should be given the same consideration as dogs and cats (appeal application is attached).

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DISCUSSION:

The county Land Use Ordinance addresses animal keeping in Section 22.30.090. The purpose of this section is to:

"limit the number of animals allowed and the methods by which domestic, farm and exotic animals may be kept on private property, under the circumstances specified. This section is intended to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of animals. Potential adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation."

While the ordinance may be silent on potbellied pigs, it is not silent on hogs and swine, of which the potbellied pig is related to, from a genealogy standpoint. Not all specific animals are addressed in the ordinance, such as llamas or potbellied pigs. If questions arise regarding these specific animals, staff analyzes the closest animal family out of the ten listed in the ordinance, and applies those standards. In this case, staff made the call that potbellied pigs would be similar to hogs and swine. The applicable standards are:

Hogs and swine.

- a. **Limitation on use.** The keeping of hogs and swine is prohibited in the Residential Single-Family category, except as otherwise provided by Subsection H.1 (FFA projects).
- b. **Animal density.** The maximum number of hogs or swine allowed is three sows, one boar and their unweaned litter. More animals constitute a hog ranch, and are subject to Section 22.30.100.E (Hog ranches).
- c. **Setbacks.** Animal enclosures shall be located no closer than 100 feet from any dwelling other than those on the site.

The other definition that is part of the appeal is that of household pets. The Land Use Ordinance does not include a formal definition of household pets, but in Section 22.30.090F, it states that no permit is required for "three or fewer cats/dogs; or household pets other than cats/dogs." The ordinance is silent on what "*other than*" cats/dogs means, implying that there are other animals that could be considered as household pets. The keeping of four or more dogs or cats as household pets is not allowed per the ordinance. As stated earlier, there are already four dogs on the property and two cats. The four potbellied pigs bring the total number of animals to 10.

It is acknowledged that potbellied pigs are considered household pets in some jurisdictions. A survey of other areas yielded a variety of standards:

- ✓ Paso Robles includes potbellied pigs in the definition of miniature animals, less than 24 inches high; three are allowed per household
- ✓ Arroyo Grande includes potbellied pigs in the definition of household pets, and basically three are allowed per property

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3-4

- ✓ City of San Luis Obispo does not allow swine of any kind, including pot bellied pigs, in the city
- ✓ Pismo Beach does not allow hogs and swine in the city
- ✓ Grover Beach does not allow any swine, hog or pig in the city.
- ✓ Santa Barbara County allows three swine on a 20,000 square foot lot; or one pig as a 4-H project for 6 months on a 10,000 square foot lot for no more than six months.
- ✓ Monterey County allows the keeping of pets, but not more than four dogs per dwelling unit, on lots 6,000 sq. ft. up to approximately 11,000 sq. ft. Pigs are not specifically addressed in the definition of household pets.

The property is situated at the end of a private easement called Peacock Lane, in a residential single family as well as duplex neighborhood off of Christmas Tree Place in Oceano. The closest neighboring dwelling to the site is 5 feet on the west side. The little house that three of the pigs sleep in is located along that fence line on the MacDougall's property. To the south, the nearest home is approximately 45 feet away from the property line. The property to the east is vacant; however, a 5-lot tract map was approved in July 2004. If that map records there will be three lots of 6,600-7,000 square feet backing up to the site. To the north, a duplex is located within approximately 25 feet of the rear property line, where the fourth potbellied pig lives in a small penned area.

Several attached letters from neighbors state that odor and flies have increased because of the number of animals on the property. They acknowledge that the owners try to keep the animal feces picked up, but that doesn't seem to help, and then it is accumulating in trash cans for a weekly pickup.

Staff has included as an attachment several pages from a rescue group website, which discusses pros and cons of potbellied pigs.

In order to allow the potbellied pigs to stay at this location the Planning Commission would need to find that potbellied pigs may be considered household pets. That finding could remain as a Planning Commission interpretation to the ordinance that staff would implement as policy, or the ordinance could be amended. The number of household pets would remain at three maximum, unless the ordinance was amended. If the applicant wishes to request a waiver of the maximum number of household pets allowed on the property, they could apply for a Conditional Use Permit.

Attachments:

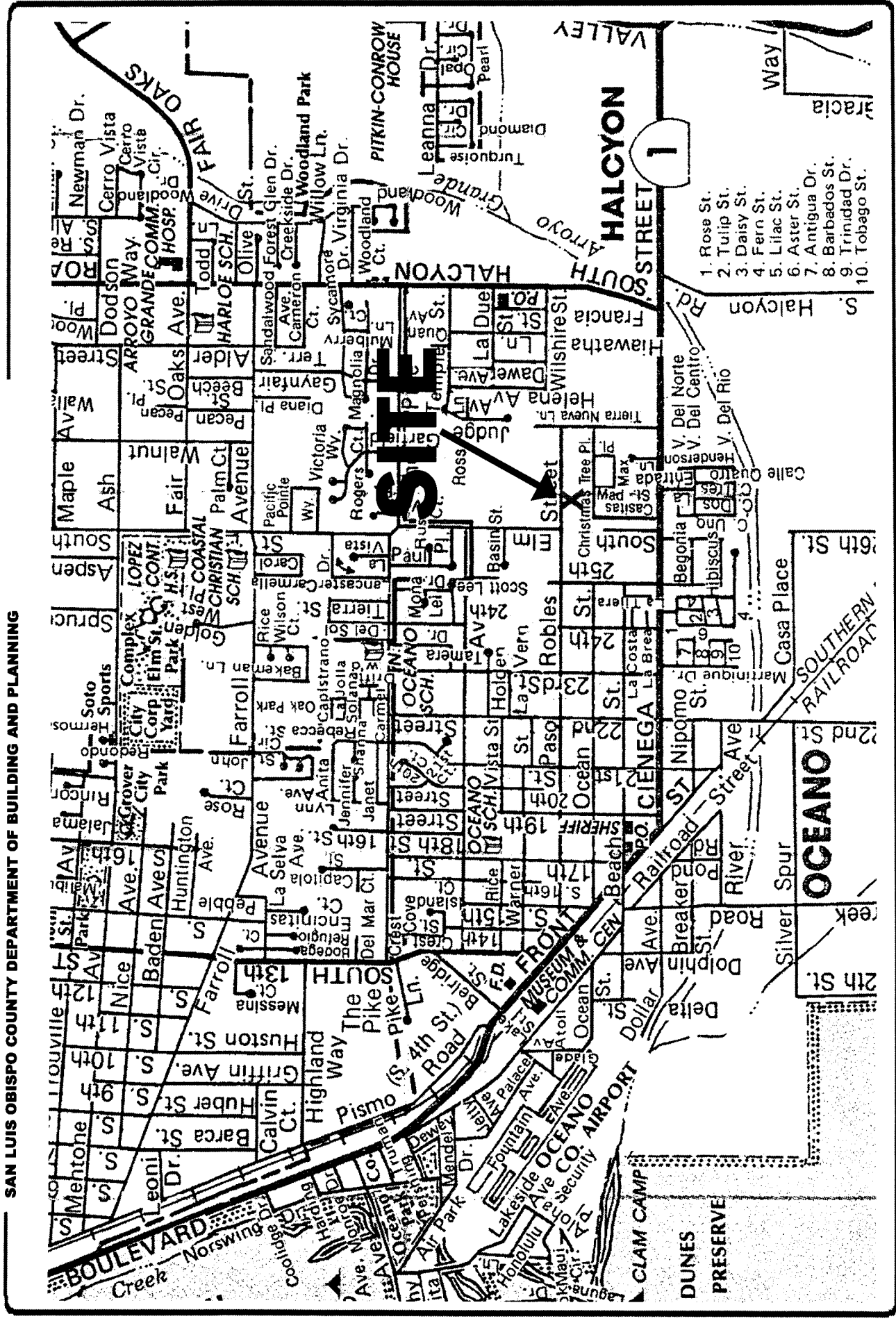
Inland Appeal Application from Jim and Julie McDougall
Letter to Jim McDougall dated 6/13/05
Email from Jim McDougall dated 5/5/05
Letter from Shirley Shepard dated 10/3/05
Letter from Pat Clegg dated 9/29/05
Website article from PIGS, a sanctuary

Staff report prepared by Nancy Orton, Supervising Planner
and reviewed by Kim Murry, Division Manager

EXHIBIT A – FINDINGS

- A. A potbellied pig is considered to be a member of the swine family and is therefore subject to the hog and swine standards of Section 22.30.090H.8, of the Land Use Ordinance Section.
- B. Section 22.30.090H.8 states that the keeping of hogs and swine is prohibited in the Residential Single-Family category, except for FFA projects. The potbellied pigs on the project site are not being kept as part of an FFA project. Because the potbellied pigs are not FFA projects, they are prohibited in the Residential Single Family land use category. The project site is located in the Residential Single Family land use category; therefore potbellied pigs are not allowed on this site.
- C. This request for an interpretation of the Land Use Ordinance is not a “project” under the California Environmental Quality Act and therefore does not require an environmental determination.

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PROJECT

Planning Interpretation Appeal

McDougall

EXHIBIT

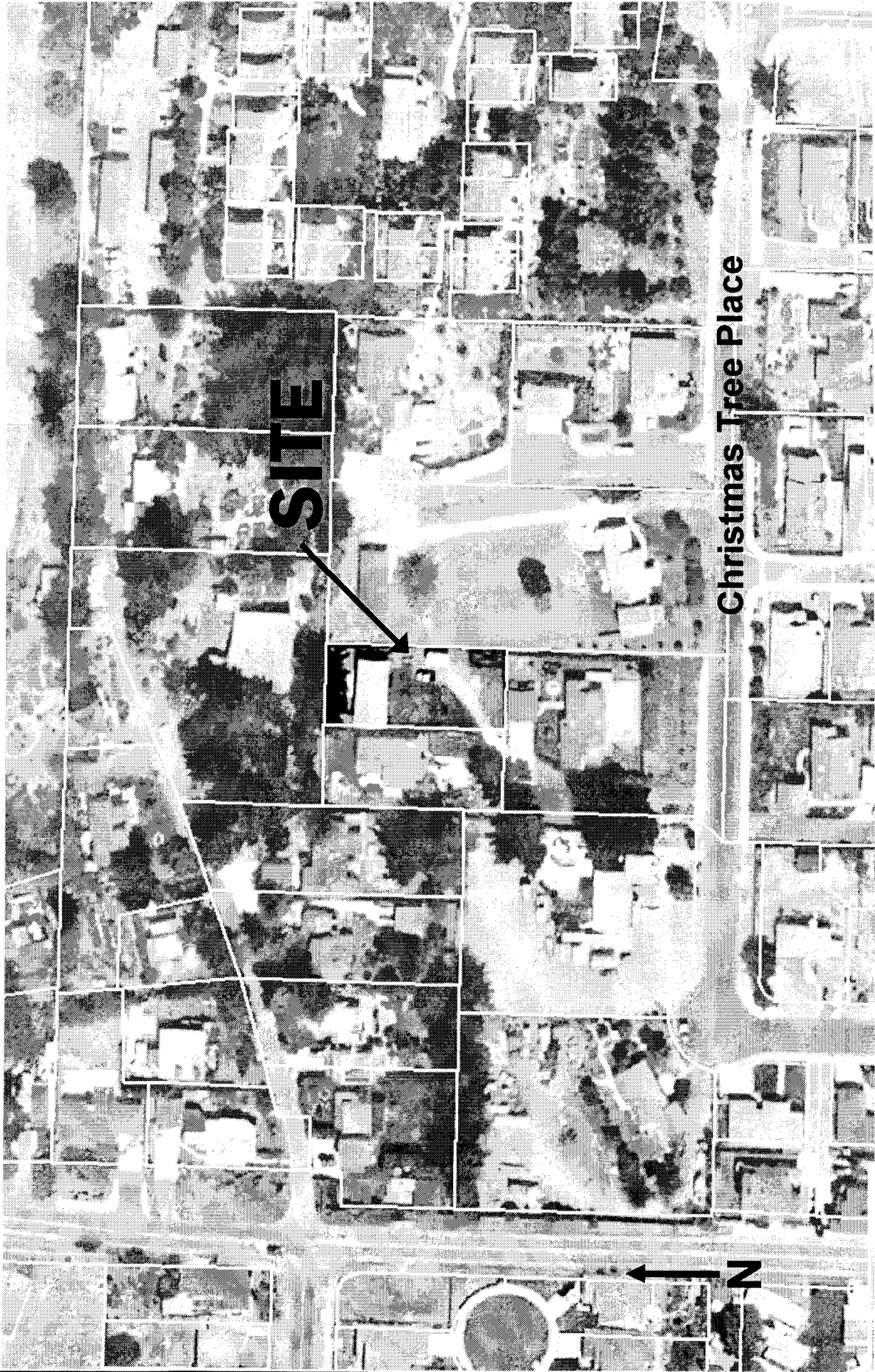
Vicinity Map





Planning Interpretation Appeal

Land Use Category



PROJECT

Planning Interpretation Appeal
McDougall

EXHIBIT

Aerial Photograph





Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☐ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☒ Other Director's decision

File Number: _____

The decision was made by:

- ☒ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☐ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on 6-13-05

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☒ Planning Commission ☐ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

SEE ATTACHMENT

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (<i>attach additional sheets if necessary</i>)
<u>SLOCC 22.30.098(8a)</u>	<u>SEE ATTACHMENT</u>
<u>SLOCC 9.04.110(p)</u>	

APPELLANT INFORMATION

Print name: Jim & Julie McDougall

Address: 1730 PEACOCK PL., OCEANO Phone Number (daytime): 748-9607

We have completed this form accurately and declare all statements made here are true.

Signature: _____

Date: 6/25/05
 2005 JUN 27 AM 11:45
 SLO COUNTY
 PLANNING & BUILDING
 DEPT

OFFICE USE ONLY

Date Received: 6-27-05

Amount Paid: \$564.00

By: Lora Franklin

Receipt No. (if applicable): _____

Revised 7/31/01

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636

EMAIL: ipcoplng@slonet.org

FAX: (805) 781-1242

WEBSITE: <http://www.slocoplanbldg.com>

Subject: Potbellied Pigs**Basis/Reason for Appeal**

SLOCC 22.30.090(H8a) *Limitation on Use. The keeping of hogs and swine is prohibited in the Residential Single-Family category, except as otherwise provided by Subsection H.1.*

The San Luis Obispo County Planning Director has chosen to classify Potbellied Pigs as "Hogs and Swine", thus "...the keeping of pot-bellied pigs is similar enough to swine to be subject to the same restrictions." Our intention is to argue the position that the domesticated potbellied pig is a distant, and much smaller, cousin of the farm Hog and Swine the spirit of this ordinance addresses, and that they should be governed by the same, or similar, codes and ordinances that regulate dogs and cats. We intend to individually address the "nuisance" concerns of the city/county directors listed in paragraph 3 of the attached letter from Ms. Orton.

SLOCC 9.04.110(p) *"Household pets" means, but is not limited to, cats, dogs, canaries, parrots, fish, hamsters, rabbits, turtles, lizards, snakes, and other kindred animals usually and ordinarily kept as household pets.*

Potbellied Pigs are, in fact, "kindred animals usually and ordinarily kept as household pets." Potbellied Pigs are kept for no other reason than as a comfort Household Pet, and should be given the same consideration as dogs and cats. The definition of "Household Pets" should also include Potbellied Pigs to avoid any future confusion or need for interpretation.

C-2
333

3-11



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

June 13, 2005

Jim McDougall
1730 Peacock Place
Oceano, CA 93445

SUBJECT: Pot-bellied pigs

Dear Mr. McDougall:

Thank you for your patience while we sorted this item out. Since our ordinance doesn't differentiate between pot-bellied pigs and swine raised for agricultural purposes, I think you raise a valid question in whether or not it should have differing rules for these types of animals.

We raised the question at the city/county planning directors' meeting that was held last month and Kim Murry has been researching through the office of Planning and Research at the state level to see what, if anything, other jurisdictions are doing to address pot-bellied pigs. There doesn't seem to be much consistency in how other jurisdictions treat these animals from a regulation standpoint. The City of Arroyo Grande seems to be the only jurisdiction in the county that specifically allows these animals as domestic pets.

While I understand that pot-bellied pigs are extremely smart and behave in a manner similar to other domestic pets, our ordinance contains standards for animals based upon other criteria. Specifically, the ordinance addresses nuisance factors such as waste, smell, vectors, soil compaction, noise, etc. and indicates use limits or minimum parcel sizes for certain kinds of animals based upon those factors.

In this instance, our determination is that even though the pot-bellied pig is not classified by some agencies as livestock or used primarily for food production, the impacts associated with the keeping of pot-bellied pigs is similar enough to swine to be subject to the same restrictions. What this means is that a property must be at least 2 ½ acres in size to allow the keeping of up to 3 pot-bellied pigs and that they are not allowed in the Residential Single Family land use category.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

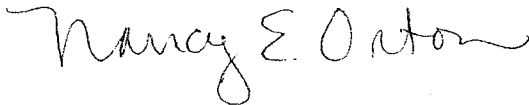
3-12

You will need to work with the enforcement division to establish a timeframe within which to find a solution to address the pot-bellied pigs on your property.

This decision is appealable to the Planning Commission within 14 days of the date of this letter. There is an appeal fee of \$564 prior to July 1, 2005, which will increase to \$587 on July 1, 2005.

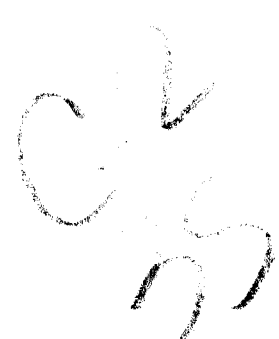
Please let me know if you have further questions.

Sincerely,



Nancy E. Orton, AICP
Permit Center Supervisor

Copy to: Kim Murry, Division Manager
 Kari Scamara, Code Enforcement
 Patricia Beck, Assistant Planning Director



3-13



Chris Macek

05/05/2005 09:39 AM

To: Pat Beck/Planning/COSLO@Wings
cc:
Subject: fyi: Pot Bellied Pigs

----- Forwarded by Chris Macek/Planning/COSLO on 05/05/2005 09:39 AM -----



"JIM MCDUGALL"
<jim_p_mcd@msn.co
m>

05/05/2005 09:30 AM

To: cmacek@co.slo.ca.us, kgriffin@co.slo.ca.us
cc: atrinidade@co.slo.ca.us, kscamara@co.slo.ca.us
Subject: Pot Bellied Pigs

Good Morning,

My name is Jim McDougall and I live on 1/3 of an acre in a somewhat rural area of Oceano/Halcyon. I was informed recently that my pet Pot Bellied Pigs (PBP's) are classified in SLO County as Hogs and Swine and must be removed from my property within 30 days. Since then, I have been doing some research on the subject and have found that the misconception that PBP are dirty stinky animals, like their distant cousins Hogs & Swine, is being dealt with by educating Planning/Zoning Authorities, with much success. Fortunately, this situation has been going on since the PBP's introduction to the U.S. in 1985, so there is quite a bit of documentation and precedents available to demonstrate that PBP's are, in fact, Household Pets and not Livestock or Farm Animals.

Here is an example quoted from a letter from David R. Bromwell, DVM, Chief Veterinarian at the State of Illinois Department of Agriculture: "This letter is in regard to the classification of Pot-Bellied Pigs. Inasmuch as those animals are sold by pet shops, kept as ornamental pets and are not utilized as a source of food for human consumption, this Department considers them pet animals." This is one example that I can provide you with in my endeavor to get PBP's classified in the SLO County codes/ordinances as "Household Pets". These animals are loved and cared for, and provide us with the same enjoyment, as our beloved cats and dogs, so they deserve the same consideration.

Currently, I am in contact with individuals and organizations that have been instrumental with educating people about PBP's, and how wonderful pets they are. I am gathering information, documentation and a video tape that I can present in my/their defense. At this point, I would like to formally request a Formal Planning Directors Interpretation of a Pot Bellied Pig and if, in fact, they can, or will, be viewed as a "Household Pet" in SLO County. Please let me know how I can provide any information to help with this decision. Also, if I could please be provided with something stating my rights to due process, appeal processes etc. are.

Respectfully yours,

Jim McDougall

1730 Peacock Place
Oceano, CA 93445
(805) 474-6800 Home
(805) 734-5328 Work
(805) 748-9607 Cell

C
7/0

3-14

1785 Peacock Place
Oceano, CA 93445
Oct 3, 2005

Planning Commission
San Luis Obispo County

I am unable to attend meetings due to the fatigue and weakness and other effects of Lymphoma (recently diagnosed) thus I am writing to support county staff in the decision to declare pot-belly pigs in Oceano as swine.

I have had a number of pets in my lifetime and understand fully how attached we become to the animals in our lives. However owning a pet is a privilege and a responsibility. They should not infringe on the quality of neighbor's lives or property values

It is clear that four fully-grown pot-belly pigs are not appropriate for a normal sized residential lot. In the case of the MacDougals place when the excrement is added to that of four dogs (two of them quite large) the effect is indeed unpleasant and unsightly. There are more flies than previously. One can't help but wonder about health hazards, especially when there are children present at times.

On one occasion I discovered they had put grocery-store type plastic bags with pig and dog excrement into my green waste can. Some water and flowers which they had pulled up from the easement area next to the driveway were mixed with the bags, along with fast food trash. By the time I discovered it the can smelled terrible and was full of flies. I had to get help to transfer the mess to a heavy-duty plastic trash bag. Last November after dark all four dogs broke through two fences came into my yard. The Bloodhound came through my dog door, scaring both me and my dog. Not knowing how they got in I let them out my front gate. Soon after I called to see if all dogs were safely retrieved and to express regrets at turning them loose. Mr. MacDougal hung up on me mid-conversation.

I hope the Planning Commission will vote to support the staff recommendation so that the MacDougals will find new homes for their pigs

Sincerely,
Shirley Shepard, 481-8355



3-15

September 29, 2005

Pat Clegg
1740 Peacock Place
Oceano, Ca. 93445

Nancy Orton
Fax 788-2414

RE: Pigs located at 1730 Peacock Place Oceano.

With Reference to the above mentioned problem I am having a hard time figuring out why there should be such a delay on what seems to be crystal clear to myself and many of my neighbors.

There are not only FOUR (4) very large pigs, they are supposed to be pot bellies, but since the mother was rescued while she was pregnant I am in doubt about their true breed, the sow was huge when they got her and she seems to continue to grow, as well as the "baby" pigs, just on a guess I would say that none of them weigh less than 150 to 200 pounds.

There are also FOUR (4) large dogs, two that I believe are basset hounds, one blood hound, and one large mix breed dog as well as two cats.

Albeit the Mcdougalls try to keep the feces picked up from all these animals it is an impossible task since they all run free, with the exception of the first pig they rescued who is in a pen in the backyard and unable to even walk, poop patrol seems to happen in the after noon after fly's have had time to breed this has become more of a problem as the animals continue to grow.

Also I believe the feces is stored in a garbage can for the week until our garbage pick up on Thursday I think this contributes to the smell as well as the fly's.

I believe in other parts of this county there are laws about the number of animals people are allowed to have, and I think Oceano needs to be included with the surrounding towns as far as laws go.

With this number of animals I feel the amount of property involved will just not support all of them.

Sincerely,

Pat Clegg
Pat Clegg

C. 2
30

PIGS, a sanctuary

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-  New! Spike & Willie Go Home
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-  Visiting the Sanctuary
-  Meet Some of Our Residents

All About Pigs

-  Pros and Cons of Potbellied Pigs
-  Thinking About Starting a Shelter or Rescue?
-  Animal Sanctuaries: A Labor of Love

Help and Support

-  Volunteer
-  Wish List

Publications**Recipes**

-  Breakfast

Pros and Cons of Potbellied Pigs

PIGS is a sanctuary specializing in miniature and potbellied pigs, has compiled a list of the pros and cons of keeping a pig as a pet.

Although having a pig as a pet can be a rewarding experience, as with any animal, they **do** require a great deal of effort and commitment. Pigs are not maintenance free animals and are not as easy to care for as a cat or dog. Vietnamese potbellied pigs have been heavily promoted as house pets -- the Sanctuary does not endorse this belief and does not believe that pigs should be raised full time as house pets. Anyone considering a pig as a pet should know that potbellied pigs are expected to live 10 to 15 years and a full grown pig often weighs well over 130 pounds.

PROS	CONS
Pigs are intelligent and have been placed fourth on the intelligence list (humans, primates, dolphins/whales, pigs).	Because of their high level of intelligence, pigs that are kept as FULL time house pets can become bored easily and are often destructive when finding ways to entertain themselves. It is not uncommon for them to root up carpeting or linoleum floors, eat drywall, overturn house plants and root through the dirt.
Pigs that have been neutered or spayed are generally sweet natured and sensitive animals. In fact, pigs are so sensitive that you can hurt their feelings.	Pigs are herd animals and have a pecking order similar to that of chickens. Each member of the herd has a particular standing in a pecking order and a pig will usually vie to be "top pig" in the herd. When raised in the house the family members will become the pig's herd. At around 18 months of age, the struggle for "top pig" will begin. To determine the order standing, pigs fight. They will charge their opponent, snapping and swinging

- 👉 Appetizers
- 👉 Soups & Salads
- 👉 Sandwiches
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- 👉 Desserts

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	their head. When the opponent is a family member or a guest that has come to visit, this can be quite dangerous. There is no approved rabies vaccine for a pig.
Pigs can be litter box trained. Outside pigs generally use one corner of the yard as the bathroom	Pigs do root. Anyone desiring a perfectly manicured lawn should not have a pig. Placing a ring in their nose is cruel as rooting is a natural instinct for pigs. By rooting, they obtain necessary vitamins and minerals from the ground as well as food. They have been known to eat worms and grubs and also will root to find acorns or truffles
Pigs generally enjoy hardy health. Pigs should receive yearly vaccinations, yearly hoof trimmings, and a yearly physical. Due to the size and difficulty in transporting, a vet willing to make house calls is recommended	Pigs are very susceptible to pneumonia. The biggest cause of pneumonia is weather, but it can also be brought on by stress. Pigs can "stress out" quite easily. Because of their small lung size, bronchitis or pneumonia can kill a pig quickly
Pigs have bristle like hair. People allergic to dog and cat fur may have no reaction to the hair of a pig. NOTE: We have received a few calls about allergies to the pig or the dust from the pig food.	Finding a vet knowledgeable in the health care of potbellied pigs can prove difficult. Vet care can be expensive, depending, of course, on your particular area and the health condition of your pig. Emergency treatment and/or specialized surgery can be especially expensive. Pot bellied pigs should not be treated as domestic farm hogs. Also spaying a pig is quite different from a dog or cat.
Pigs are generally clean, odorless animals	Pigs need a pool or puddle for cooling off in hot weather. They do not sweat and must have a way of lowering their body temperature when they become over heated. They need plenty of bedding in their sleeping area during the colder months. In the winter, they love to bury themselves under straw and blankets

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X

Local zoning laws may not allow pigs as pets. If your zoning does not allow pigs, we urge you not to challenge your zoning.

At around 12 to 16 weeks of age, a female pig will go into her first heat. She will then go into heat every 21 days and can become quite moody. An intact male (not neutered) has a strong, foul odor and becomes sexually active at six to eight weeks of age. **Spay and/or neuter your pigs.**

PIGS urges anyone considering a pig as a pet to contact your local shelter, humane society, or local rescue group. Potbellied pigs are also being sold at livestock auctions. Please consider rescuing a homeless pig instead of purchasing one from a breeder or pet store. For more information on homeless pigs, please feel free to contact **PIGS, 1112 Persimmon Lane, Shepherdstown, WV 25443** or **phone/fax: 304-262-0080**. You can also e-mail us at **FarmManager@pigs.org**

----- Site Navigation ----- ▾

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04/11

Minutes of the Regular Meeting
of the
San Luis Obispo County Planning Commission
Thursday, November 10, 2005

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Minutes of the Regular Session of the County Planning Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA, at 8:45 a.m.

PRESENT: Commissioners Bruce Gibson, Penny Rappa Eugene Mehlschau, and Sarah Christie

ABSENT: None

STAFF

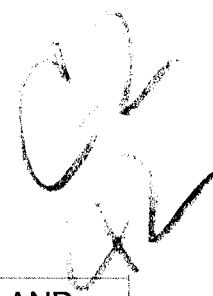
PRESENT: Victor Holanda, Planning Director
Warren Hoag, Principal Planner/Current Planning
Martha Neder, Planner
Terry Wahler, Planner/Long Range Planning
Matt Janssen, Supervising Planner/Coast/Current Planning
Andrea Miller, Planner, Graphics/Long Range
Kim Murry, Principal Planner, Information Services
Marsha Lee, Planner, Current Planning/Coastal
Nancy Orton, Supervising Planner
Greg Camock, Code Enforcement, No. County
Steve McMasters, Environmental Specialist
Karen Nall, Planner/Public Information

OTHERS

PRESENT: Jim Orton, County Counsel
Richard Marshall, Public Works

The meeting is called to order by Chairman Roos.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of November 10, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.



3. JIM AND JULIE MCDOUGALL / NO CO. FILE	This being the time set for hearing to consider an appeal by JIM AND JULIE MCDOUGALL of a Planning Director determination (pursuant to Land Use Ordinance Section 22.70.050) that pot-bellied pigs are similar to hogs and swine and are subject to the ordinance standards for the
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NO.	keeping of these animals. The property is within the Residential Single Family land use category, is approximately 11,860 square feet, and is located at 1730 Peacock Place in the community of Oceano. The site is in the Sa Luis Bay Planning Area. County File Number: None. Assessor Parcel Number: 062-303-021. Supervisorial District 4.
Nancy Orton, staff	Presents staff report.
Chairman Roos	Discloses he visited the site and discussed situation with the applicants.
Commissioner Christie	Requests clarification regarding whether any staff noticed any other animals besides pigs on the property, with staff responding that there are also four dogs.
Commissioner Mehlscau	Requests clarification regarding whether there are any cats, with staff responding yes, there are 2. This would make it a total of 10 animals on the property, 4 pigs, 4 dogs, and 2 cats.
Nancy Orton, staff	Discusses setback requirements as being 100 feet away from other dwellings, and setbacks for "exotic" animals.
Commissioners and staff	Discuss a letter from Animal Services, setbacks, and pot-bellied pigs' descriptions.
Jim McDougal, Appellant	Shows PowerPoint presentation regarding the history of pot bellied pigs. Discusses research he completed to determine if pot bellied pigs are allowed in Oceano. Cites SLO County Animal Services Department and states he was told that in unincorporated/residential areas they are allowed as many pets as they would like. States he was told repeatedly there were no restrictions on pot-bellied pigs. Discusses receipt of complaint and contact with Code Enforcement. States he was informed by Planning that he needed 2 and one half acres to accommodate the pigs. Gives timelines for receipt of Director's Interpretations. Discusses nuisance factors. Cites county Environmental Health visit in May 2005. Recommends ordinance should be changed from pot-bellied pigs being described as farm animals to being domestic household pets.
Dr. Eric Anderson, SLO County Sheriff's Department Animal Services Division	Clarifies the definition of "Pot Bellied" pigs. Discusses Title 9 and it having no limitation on the amount of pets that a person can have. Title 9 clarified.
Chairman Roos	Requests clarification regarding the difference between an agricultural animal, and a domestic animal with Dr. Anderson responding that pot

	bellied pigs are considered domestic animals.
Commissioner Christie	Requests clarification regarding land use ordinances and whether the Animal Services staff is familiar with the codes and laws.
Dr. Anderson	States there are non-traditional circumstances such as is in this case. States there is a dichotomy between Animal Services, Title 9, and an omission between the limitations issue in the unincorporated areas.
Commissioner Gibson	Discusses letter in which Animal Services defines the pot-bellied pigs as exotic pets rather than livestock. Discusses nuisance issues, which the Animal Services division takes care of.
Commissioner Rappa	Requests clarification on whether Animal Services was solicited regarding his opinion on defining the pot bellied pig as exotic vs. livestock, with Dr. Anderson responding
Charlie Sotillo	States his objection to the McDougall's pot bellied pigs.
Chairman Roos	Views Mr. Sotillo's property on the overhead.
Dale Klige	States his objection to the McDougall's pot bellied pigs referencing flies and unpleasant odors. Discusses the wild peacocks he feeds, his lot size, and neighboring lot sizes.
Justin Holsten	States Mr. McDougall is his step father. Discusses neighbors, family's cleanliness, and control of odors due to feces control.
Jim Sievers	Reads letter from he & his wife on the behalf of the McDougalls.
Barbara Marsh	Santa Inez resident, Julie McDougall's mother. Reads letters previously entered into the record.
Jim McDougall	Appellant. Thanks staff and Planning Commission for their time. Discusses Animal Services and feels they acted in good faith and states he trusted Animal Services word that they would be allowed an unlimited amount of pets. Addresses Mr. Carillo and Mr. Klig's issues. States he is willing to move the pig house in order to keep the peace with his neighbors.
Chairman Roos	States during his visit to the McDougall's property there did not appear to be an excessive amount of feces. States he did smell a pig odor coming from the backyard, mainly coming from the older pig.
Commissioner Mehlscau	Discusses the number of animals on the size of the lot they live on. States he believes there are too many animals for this size lot.
Commissioner Gibson	Requests staff provide an assessment of the conditions of the yard and the pigs.
Kari Scamara, Code Enforcement	States when she visited the site in the fall it was clean and there was no odor.

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staff	
Commissioner Gibson	Discusses interpretation of pot bellied pigs as domestic animals or livestock, licensing of animals, and considers the pigs as being defined as livestock
Chairman Roos	Discusses conflicts with policies, and lack of ordinance to address issues such as this.
Commissioner Rappa	States she believes the McDougall's made every effort in determining the amount of animals they were allowed to have. Discusses property in question and impacts to the neighbors should a variance be adopted.
Commissioners	Discuss the land use ordinance as being their guide in making their decision.
Nancy Orton, staff	States the Planning Department has already determined that a Pot Bellied Pig is considered Hog and Swine. States the Planning Commissioners could interpret this differently, or agree with the Planning Director's determination.
Jim Orton, County Council	States the Planning Commission is also providing guidance, once this is completed, as to what sort of animals can be kept on the site. States as he reads the ordinance only three animals can be kept on the site and if the Planning Commission finds that pigs are not other household pets they cannot be part of that mix, however if the Planning Commission decides that pot bellied pigs are household pets then it could be part of the mix of three. States this decision is based on the Planning Commissioner's interpretation of the ordinance.
MOTION	Thereafter on motion by Commissioner Mehlscau, seconded by Commissioner Christie, with Commissioner Rappa voting No, to deny the appeal based on the Findings in Exhibit A.

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November 6, 2005

Pat Clegg
1740 Peacock Place
Oceano, Ca. 93445
PH: 489-2498

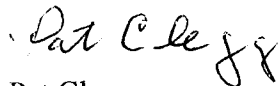
RE: McDougall-County File No. NONE

Enclosed please find documentation and photographs pertaining to the above matter.

Myself, and my neighbors would be extremely grateful if you would take the time to look this over since we feel it is pertinent to the matter of how many and what sort of animals will be allowed in a residential area of Oceano.

Thank you in advance for your time.

Sincerely,


Pat Clegg

CC: Carlyn Christianson

Jim Aiken

Alice Loh

Andrea Miller

Orval Osborne

Vice Chair
Michael Boswell

Chairperson
James Caruso



About a month after the McDougalls moved in next to us my husband was going into our backyard via a gate that is connected to the fence between the two properties. When he unlatched our gate McGregor (the bloodhound) jumped on the fence and was able to reach over and bite my husband on the upper right arm. Even though **the skin was broken** we did not report it because we were trying to be nice people. I did tell Julie about it since I felt they should know. She swore he had never done this before and seemed really upset, McGregor has made threatening motions toward my husband again as well as myself and Shirley's handyman. McGregor reached over the fence and grabbed the handyman by the sweat shirt.

Shirley also reports that other visitors, including a respiratory therapist and Meals on Wheels volunteers, have been intimidated by the howling and barking of the dogs leaning against and sometimes over the flexible wire fence.

When Julie rescued her first pig (this pig is in a pen in their backyard and cannot even stand. It is hard to understand how keeping an animal in such deplorable condition could be considered a pet) She promised there would be no more animals since they already had 4 large dogs and two cats and were in fear someone might turn them in and they would have to get a kennel license. Shortly after the first rescue she brought a pregnant sow home, Julie said she would keep the Mother, which we objected to, then she decided to keep two of the babies.

The last part of April Shirley saw and heard Jim McDougail with a backhoe moving dirt around for some sort of excavation that seemed too close to her property line. She called the county planning department to see what setback requirements were and ask about a permit. It turned out he didn't need a permit for that amount of earthmoving but it opened the door to require a permit for his planned building which was later a block retaining wall and garage. This incident and check brought the pig issues to the forefront although Shirley was told at the time the county was already looking into another complaint about the pigs.

They obviously blamed Dale and me for the complaint since Julie started screaming obscenities at us the day the county contacted them.

The next day when I went to check the mail someone , had pulled a bunch of the flowers that I had planted on the main road and threw them in our road. The day after that once again someone had rubbed mud over our name on a sign that I had painted with all our names and addresses. Someone also stuffed our mailbox full of ice plant.

That same evening Julie saw us out working in the yard and spun out on the strip where we were trying to get grass to grow .She managed to dig a pretty deep trench. Albeit, that is Shirley's property we were trying to get it to look decent since it had been all weeds when we moved in and we had put a lot of labor into it. At the time the child Julie baby sits was in the truck with her and she had to drive in a dangerous manner to do this.

Dale tried to talk to her about it and all she would respond was "whatever". I called the police and they had a talk with her and told her the could arrest her for reckless driving if she did it again.

8/24/05 I started documenting on this date since Julie's temper seems to be getting the best of her. Today she sprayed all my windows between our houses with the water hose, luckily none of them were open at the time.

8/26/05 Shirley called and ask if we knew the McDougal's son's first name so she could put a personally addressed note on his car. Justin was at the time parked so the right rear stuck out onto the rear of the cement in front of her garage. She put a note on the windshield asking him to be sure that his car was parked only on his own property and not in the driveway easement. Dale saw him get in his car and read the note, when Jim and Julie came in that night they walked around the car and acted like they could not figure out what Shirley was talking about.

Dale walked outside to tell Jim and Julie we were going to be replacing the fence so they could keep an eye on their animals while the work was being done. Jim said he didn't give a F--- what we did and Julie called him a "F---ass hole" and said she had prayed and prayed that he and his" C--- of a wife" would die. There was a rather nasty exchange of words between the two of them which was witnessed by several neighbors. Julie also told him he needed to trim his hedge.

8/28/05 When we came home from golfing someone had butchered our hedge and threw all the clippings, even the ones from their side of the fence in our yard. I took pictures of this, I picked up the clippings and talked Dale out of calling the police again since I am sure there will be other things happening before the county has a hearing about the pigs and I want to wait to call again when it is something worse.

8/30/05 Today the McDougal's placed all three of their garbage cans in front of

all our mail boxes. The carrier left a notice in our box and Shirley's if this happens again they will be unable to deliver our mail.

9/8/05 Someone put a large plastic bag of weeds in our recycle bin so the garbage men refused to pick it up.

9/17/05 McDougalls parked their garbage cans in front of all of our mailboxes blocking delivery. I Called the main post office and they said it was not against the law to do this and that the carrier should deliver the mail anyway even though we had previous notices the last time this happened our mail did get delivered however.

9/18/05 Julie is back at watering my windows again she had to try really hard time doing so since we put up the new fence, but did get the side window really good I am glad we keep it closed (due to the smell from the pigs) They have moved the pig house as close to our living room window as they can get it otherwise my living room would have been soaked.

10/12/05 It seems I got two mail deliveries today, Shirley asked me why I had not been picking her mail up while I was home and I told her I had checked it and there was no mail, she had been having another neighbor pick it up while I was gone, but something strange is going on.

10/13/05 Once again I got an early delivery and an afternoon delivery. Shirley called the post office and learned that the carrier hadn't even left for the route she was still there sorting. Problems with the mail began on the day the Tribune printed the pig article on the front page

10/14/05 Today I had mail before noon but none in the afternoon.

10/17/05 I Had my mail stopped since I was leaving town caught the mail person before they left and caught my mail for this date.

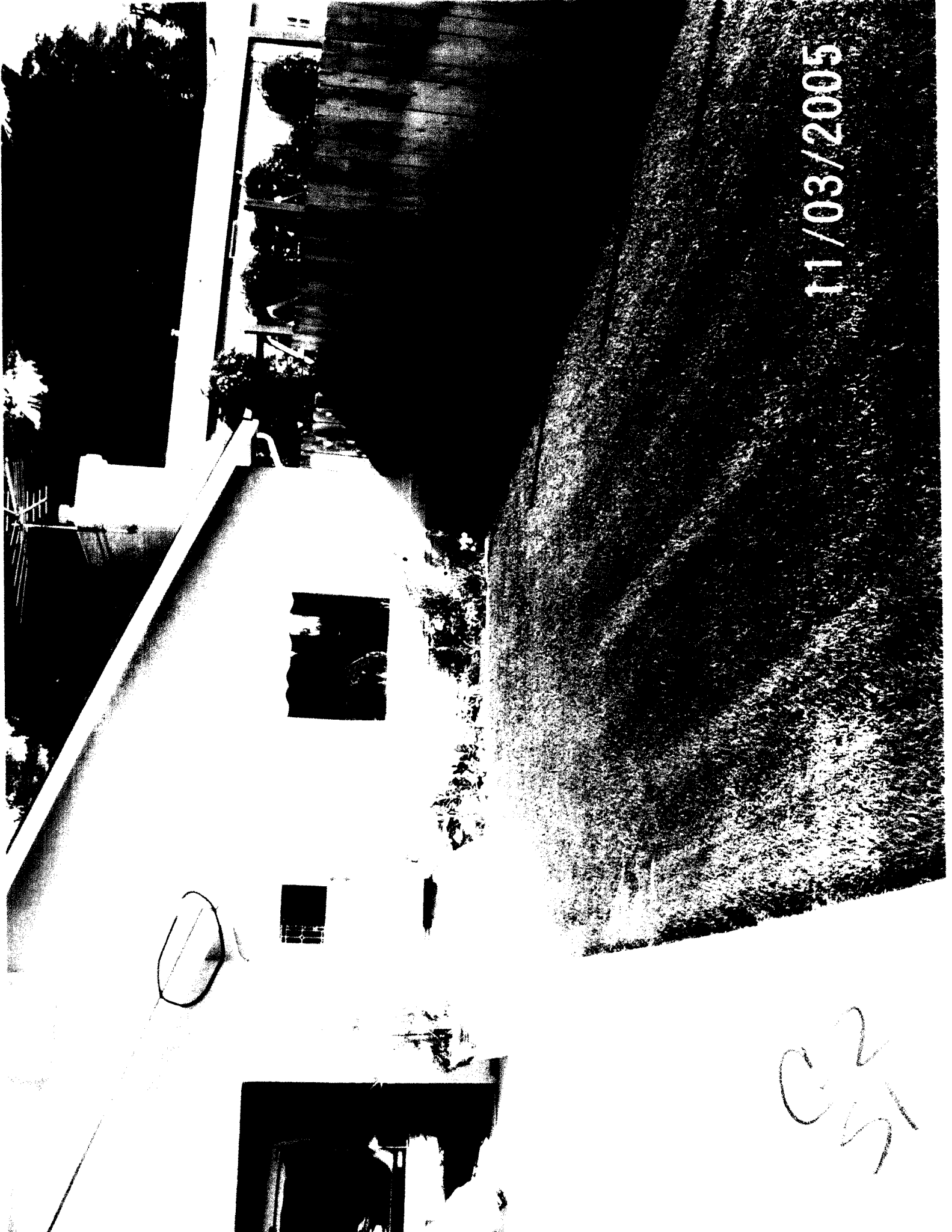
10/21/05 I Picked up my mail from the post office today upon returning home, then had a delivery at my house I don't know how this is possible when I had not restarted my delivery.

10/22/05 Checked mail at 1:50 today Shirley and I both had mail. This is very unusual since we don't normally get it until afternoon sometimes as late as 6:00

Handwritten signature and date 10/22/05



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11/03/2005

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Spring

Dignity

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#3 11/10/05 (copy made)

October 20, 2005

San Luis Obispo County Planning Department
County Government Center
1050 Monterey Street, Room 310
San Luis Obispo, CA 93408

Dear Sir or Madam Commissioner:

Subject: Potbellied Pigs as Household Pets

This letter is in regard to our appeal on November 10th to the San Luis Obispo County Planning Commission as to whether potbellied pigs are considered "Household Pets" or are they considered to be common farm hogs and swine, and if our potbellied pigs are considered a nuisance.

Before we moved to Oceano, on a little over a quarter of an acre, in September of 2002 we contacted SLO County Animal Services to see how many animals we were allowed, i.e. dogs and cats. We were told that since we were in an unincorporated area there was no number restriction. We have since felt safe with our 4 dogs and 2 cats. We had always wanted a potbellied pig so when we moved to Oceano we did some research on them. We researched the internet, spoke to potbellied pig "parents" and visited a potbellied pig sanctuary. In October of 2002 we contacted Animal Services to see if potbellied pigs were allowed in Oceano, and were told there were no restrictions on potbellied pigs in unincorporated residential areas of the county.

We rescued our first potbellied pig, Abigail-Sue, in December of 2002. Abigail is an older sedentary pig, and a wonderful addition to our family, but Julie wanted a companion pig. In September of 2003 we had the opportunity to rescue a pregnant potbellied pig. Again, we contacted Animal Services and were told there were no restrictions on potbellied pigs in unincorporated residential areas of the county. We brought Betty-Sue home and she soon had 7 potbellied piglets.

Our neighbors, the Cleggs, who are now complaining, were feeding the piglets veggies over the fence, and would come over to our house to see the pigs. Mrs. Shepard, another complaining neighbor, took down part of her fence so they could graze in her yard. We soon fell in love with the piglets and wanted to keep two of them. As a result, we contacted Animal Services once again to make absolutely sure that 4 potbellied pigs, along with our 4 dogs and 2 cats, were not a problem, and again were told there were no restrictions.

For 2 years we lived happily with our pets and had no complaints from the neighbors...until now, without warning. In May of this year SLO County Code Enforcement informed us that potbellied pigs are considered farm hog/swine and that we needed a minimum of 2.5 acres to keep them.

We contacted San Luis Obispo County on numerous occasions and were told the same thing each time, i.e. potbellied pigs are allowed in unincorporated residential areas of the county. In fact, our Veterinarian, Dr. Suzanne Hennessy, contacted Animal Services after we received word from County Code Enforcement and she was also informed that potbellied pigs are allowed.

County Planning told us that Animal Services has no say in the matter, and that this is a County Planning issue. We thought that our family was safe! We are very conscientious pet owners. We clean up after them twice a day and keep the dogs from barking. We do not want to infringe upon anyone else's serenity. We live in an interesting part of town where we are surrounded by pine trees and have quite a bit of active wildlife around us. There is a colony of 50+ peacocks that live in the trees around us and are an integral part of the neighborhood. There are also many dogs, cats, owls, hawks, doves etc... that are a part of our neighborhood.

Potbellied pigs are very clean animals and their feces are much less offensive than dogs or cats. The feces, which are generally solid/compact pellets, are easily picked up and disposed of. In addition, they do not emit any excessive, or noticeable, odor from their bodies or from the house in which they sleep. Since the feces are picked up twice a day (Mr. Clegg admits that we pick up at least once a day) there is no chance for fly

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Planning & Bldg

October 20, 2005

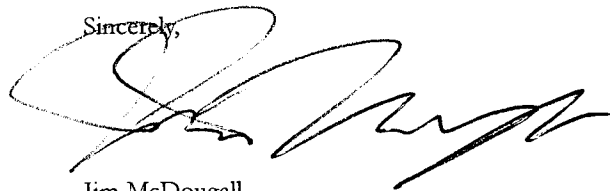
infestation/multiplication, thus the feces are not contributing to the fly population. There is not any noticeably larger fly population in our yard than anywhere else in the neighborhood.

We believe our neighbor's complaint is based on contempt for our family rather than any objective basis. We were close to these neighbors at one time but have had differences over the years, none of which involved the potbellied pigs. We will show that the complaints are unfounded, i.e. that the potbellied pigs do not cause excessive odor and excessive fly nuisances. A letter from our Veterinarian (see attachment) will address the odor and fly complaint, as well as other letters and e-mails that we may present at the hearing. Odor is a very subjective nuisance factor and should be experienced personally by the Planning Commissioners. We invite you to our home to have a look, and sniff, around. We will make ourselves available at your convenience.

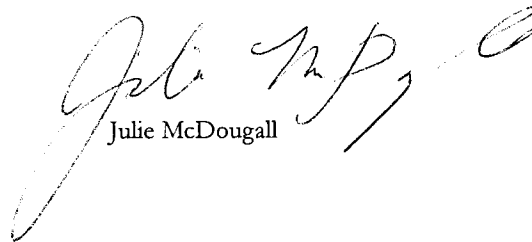
Our argument is that potbellied pigs are, in fact, Household Pets. Section 9.04.110(p) of the SLO County Code states; "'Household pets' means, but is not limited to, cats, dogs...and other kindred animals usually and ordinarily kept as household pets." Potbellied pigs are kept for no other reason than as "Household Pets". They were originally imported as pets in 1985, and have since become a widely accepted pet throughout the county. There are at least fifty-five Counties/Cities throughout California, that we are aware of, that provide for potbellied pigs in their codes and ordinances. Potbellied pigs are themselves taxed when sold, their food is taxed and they are not used for food consumption, therefore they are pets by definition. It is our intention to suggest that the SLO County Planning Commission change the county code to specifically address potbellied pigs as "Household Pets", in the interest of avoiding any further need for subjective interpretation.

Our pets are our family and we would be terribly heartbroken to lose them. We thank you for your time and consideration on this matter, and welcome the opportunity to introduce you to our potbellied pigs. We believe that all involved would be best served if the Planning Commissioners were to experience our potbellied pigs first hand, and to rule on this appeal based on an educated. At your convenience, we would like to invite you to our home to take a look around and get to know our beloved potbellied pigs.

Sincerely,



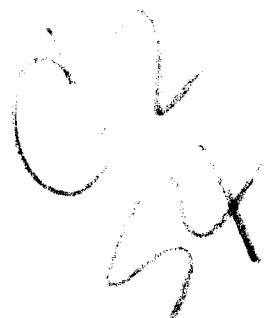
Jim McDougall



Julie McDougall

Jim & Julie McDougall
1730 Peacock Place
Oceano, CA 93445
(805)474-6800

Attachment: Letter from Dr. Susanne Hennessey, DVM



To whom it may concern,

I am writing this letter in support of the McDougall's ownership of potbellied pigs in Oceano. As their veterinarian, I am very familiar with the type of husbandry they employ with their animals, and in my experience it is beyond reproach.

The McDougall family takes nuisance factors associated with potbellied pigs very seriously. The waste in their yard is cleaned up three times per day, resulting in fewer flies and less smell than most households (and their neighbors) owning dogs. "Vectors" was another nuisance problem Nancy Orton cited in her letter to the McDougalls. It is unclear to me what she specifically meant by this, as she didn't elaborate. To my mind, she must be alluding to flies (not an issue since feces picked up so frequently), fleas (a common vector of disease, but not an issue with potbellied pigs), mosquitos (no evidence has been reported associating any spread of disease from potbellied pigs to humans through this insect vector) and ticks (once again, no evidence of tickborne disease spread from potbellied pigs to humans - dogs would pose a much bigger threat, i.e. Lymes disease). I can imagine that with hundreds of potbellied pigs housed in someone's yard, soil compaction could lead to drainage problems, but not with the limited number of animals kept by the McDougalls. Although noise could be an issue, one must admit that barking dogs and yowling tomcats can reach decibel levels never even dreamed of by potbellied pigs.


There is no organized branch of veterinary medicine that considers potbellied pigs livestock. These potbellied pigs (when properly managed) weigh from 50-150 pounds, weights attained frequently by dogs.

Another issue we should address is the potential for spread of rabies. There is not one reported case of rabies in potbellied pigs in the peer reviewed literature. Although as mammals (technically), potbellied pigs could be susceptible and yet there is no evidence of susceptibility. They may be somewhat like rabbits in this way, i.e. technically susceptible but with no evidence of infection/transmission.

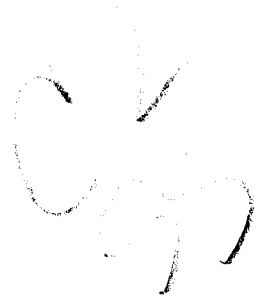
Should all households be allowed to keep as many potbellied pigs as they want? In my opinion, no. I think there could be a licensing process established (self supporting through license fees), with the possibility of oversight just as the folks with dog breeding permits are subject to.

I have yet another issue to bring up. Apparently, in this particular case, one neighboring household has complained about the McDougalls three times. The first two complaints were investigated and no action was deemed necessary and now this. I encourage the commission to be meticulous in sorting out emotional/personal reasons for complaints versus actual existence of a nuisance situation.

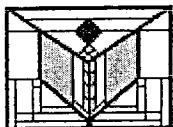
Sincerely,

A handwritten signature in cursive script that reads "Suzanne Hennessy, DVM". The ink is dark and the signature is fluid.

Suzanne Hennessy, DVM

A handwritten mark or signature in the bottom right corner of the page, possibly initials or a stylized signature, written in dark ink.

#3 11/10/20 (copies made)



Kami Griffin/Planning/COSLO

10/13/2005 08:53 AM

To Lona Franklin/Planning/COSLO@Wings

cc

bcc

Subject Fw: Subject: Potbellied pigs in residential neighborhoods

For Planning Commissioners

Kami Griffin
Department of Planning and Building
County of San Luis Obispo

"Follow your bliss and don't be afraid,
and doors will open where you didn't
know they were going to be"- Joseph Campbell

----- Forwarded by Kami Griffin/Planning/COSLO on 10/13/2005 08:53 AM -----



"JIM MCDUGALL"
<jim_p_mcd@msn.com>
10/13/2005 07:38 AM

To norton@co.slo.ca.us, kscamara@co.slo.ca.us,
kmurry@co.slo.ca.us, kgriffin@co.slo.ca.us,
atrinidade@co.slo.ca.us

cc

Subject Subject: Potbellied pigs in residential neighborhoods

Please consider the following e-mail from a County Commissioner regarding
potbellied pigs.

-----Original Message Follows-----

From: "Linda Kelley" <ltkelley@comcast.net>
To: <plancomm@co.slo.ca.us>
CC: <planning@co.slo.ca.us>
Subject: Potbellied pigs in residential neighborhoods
Date: Thu, 13 Oct 2005 08:41:21 -0400

Dear Planning Commission members,

I am in Calvert County, Maryland, which is a suburb south of Washington,
D.C. We are in the process of revising our Zoning Ordinances, and one of
the subjects we are addressing with the re-write is the subject of keeping
of domestic and farm animals in the County.

I received an email with a newspaper article
<http://www.sanluisobispo.com/mld/sanluisobispo/news/local/12882833.htm> which
indicated that potbellied pigs in residential neighborhoods would be the
subject of an appeal to your Planning Commission. My purpose in writing to
you today is to offer information as to how we are addressing this in our
ordinance rewrite in Calvert County.

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C3

I am a member of the Board of County Commissioners in Calvert County, a position in which I have served for the last eleven years. (Perhaps you call them Supervisors in your County? At any rate, we are the governing local County government body.) We have a number of potbellied pig owners in the County who live in the various categories of residential neighborhoods. While we have had no local disputes such as the one with which you are dealing, we recognize that potbellied pigs are NOT your garden variety of farm pigs/hogs. Rather, they are domestic pets which cause no neighborhood disturbances, such as we receive with barking dog complaints, etc.

In the ordinance rewrite, we have differentiated between domestic pets and farm animals. Specially, domestic pets are permitted in residential neighborhoods, and are defined as those animals which are kept for their companionship value, as opposed to farm animals which are kept for their production value. This is an important and definitive distinction! While we do not specifically identify potbellied pigs or any other species in the ordinance, it is accepted under those definitions that potbellied pigs are domestic pets because they are kept for their companionship value, and thus are permitted in residential neighborhoods. Inasmuch as we place no limits on the number or size of dogs and cats a person may own, neither do we place those limits on potbellied pigs.

We have found that if we try to provide a list of permitted/not permitted animals in a specific category, it is almost impossible to be all inclusive. Therefore, we are adopting the definitions shown above to provide a more comprehensive approach to the subject. I hope this might be of some value to you in your upcoming decision making regarding the instant case.

If I can be of any assistance, please do not hesitate to contact me.

Best regards,

Linda L. Kelley

Board of County Commissioners

Calvert County, Maryland

kelleyll@co.cal.md.us (courthouse)

ltkelly@comcast.net (home)

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EXHIBIT: McDougal #3

DATE: 11/10/05

Pig Animal control meeting

11/9/05

DO NOT REMOVE FROM FILE

I'm Charlie Sottile and I live at 2650 Christmas tree place. My wife's family has owned this property for the past 30+ years. We have seen the Christmas tree farm and a few houses, turn into a 70+ home residence area, and still building.

When our neighbors the McDougalls moved in late 2002 they were greeted friendly. Besides there family they had 2cats, 4 dogs. Now I didn't mind the animals myself, even though it is only legal to have 3. I myself figured give them a try with the animals and see how it goes with noise and such. After all I didn't want to separate the family pets from there family. For the first year or so it wasn't bad at all. The dog noise didn't bother us much and there weren't any smells from them. They seam to be very clean people.

One day about a year or so ago in late 2003 or early 2004 they brought home a pig. I saw it, didn't mind since they seamed to be clean neighbors with the dogs. Several months ago maybe late 2004 or early 2005 - I started having many flies in my living room, and smells of a foul odder. I started to investigate.

I then found out that other neighbors were complaining about the same things, and more. It turns out that the McDougalls had decided to pick up a pregnant pig, which had several piglets.

They decided to keep a couple piglets after they were born. Now a total of 4, besides the 4 dogs and 2 cats. Now I understand about pot bellied pigs can be pets. But where do we draw the line. First 4 dogs, 2 cats, then adding 4 pigs.

I don't know about you but when I'm sitting down to eat my dinner and you get a whiff of animal feces, most people loose there appetite, not to mention that fly's are disease carriers and that they love to land on food as well as animal feces. I don't believe I like the taste or smell of animal feces when I'm eating food.

Keeping animal feces in a garbage can all week long cooking and fermenting from the heat of the day or sun gets gross, smelly, and an attraction for disease. And as for them not seeing a difference in fly problems, they moved in with 6 animals, which

also brought flies with their animal feces. They haven't lived here long enough to know what a fly difference is around here. We haven't had fly or smell problems since the late 80s when the area started turning into more of a residential area, and the farm animals were removed from the area.

My neighbors Dale and Patty (the Cleggs) asked me to help them replace a fence, and put up a 6' fence between them and the McDougalls. I told Dale to make sure that the McDougalls were told to have their dogs put up since one has the tendency to nip at people.

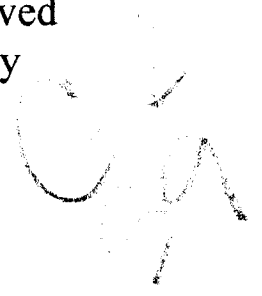
As myself, my wife, and a friend were sitting in our yard enjoying an early evening. We started hearing some yelling coming from the other side of our side fence. We all quickly jumped up and ran to the fence to find out what was going on.

We found Dale telling the McDougalls that he was going to replace his fence between them with a 6' fence and asked them to have the animals put up.

Well the McDoughalls started yelling and screaming at Dale. Yelling at him that they thought he had a heart attack and hopefully died. When all he did was take a vacation. Mrs. McDougall continued on yelling and screaming at Dale and how she hated that he didn't die. How she thought they were happy that they didn't have to worry about getting rid of the pigs because they thought Dale was dead and that Pattie - Dale's wife - would of just moved.

As Mrs McDougall walked to her house still yelling at Dale, spotted us looking over the fence, watching and listening, and then proceeded to say things about my family and myself she knows nothing about, as well as making unfavorable body jesters toward me.

The McDougalls have never been over to my house, never have been in my backyard, or to any of my functions, and except for saying hello, they never have talked to us since the day they moved in. The same goes for us never being at their home or yard or any functions they have had.



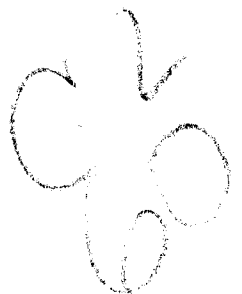
Now since I've joined other neighbors and complained to animal control about there animal smells and the amount of animals they have. They have called the code enforcement department about things in my yard, as well as the other neighbors who have complained, in order to get revenge on us for complaining, since the other vengeful things they were doing didn't seam to make a difference. Making an inspection on us trying to get us in trouble. We were inspected and were told we were in compliance with the law.

I believe that there are other neighbors who are intimidated from the actions of the McDougalls, since they started taking revenge on the neighbors who have complained. So they won't complain hoping that there will not be any revenge against them. Let me say that, they will not intimidate me or my family, our property is owned completely, and will be in our family for many more years to come.

In anticipation of the McDougalls getting or trying to get revenge on us - there neighbors again, I'm asking for the board to be aware of there actions from before this meeting and to stop any harassments that might become from this later after this hearing. And to make note that my property is under constant taped surveillance with cameras covering my whole property, and that I will prosecute to the fullest extent of the law for any and all problems presented by anybody.

According to the news paper articles, they must of known that 2cats, 4 dogs were to many animals when they bought their home, other wise they wouldn't of had to ask about how many animals they could own on there 1/4 acre property repeatedly as they indicate.

I'm sure that before they bought their home that they were given the ccnr property laws. Now they are trying to blame the county animal control for their animal problems because they didn't bother to read or believe the laws about the amount of animals and their habitats.



They go on to state that they brought a pregnant pig home so that the other pig wouldn't be lonely. They also state that when the pig had piglets they decided to keep a couple of them.

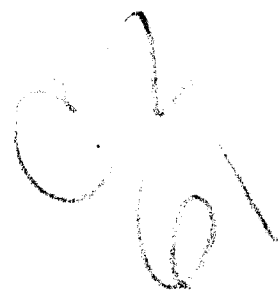
That's telling me that they now are hoping to breed them. Now they state the pigs are like their babies, sorry I didn't know that a human could give birth to animals such as pigs. The McDougalls are now stating that they may want chickens and that they can have up to 28 of them. Which will mean that a chicken coop will be needed, and the smell from them can be worse then now.

What I'm asking for now, is that you set presidents on the amount of animals and their habitats, or just enforce the laws which has been already decided once, before their appeal several months ago, which brings us here today.

I'm sure that you know and understand the laws of the ccnrs in single-family residential area, and will determine weather the laws should be changed. Which will mean that every single-family residential area in the county will be able to own the same. Either way something has to be done about the flies and smells coming from the McDaugalls yard.

If they want all these other animals then they probably should move to where they can have a zoo or farm, kennels or pens. That would probably mean buying out in the country setting where there neighbors would be a distance away from them where they can have acreage to handle there pets.

They state in the paper that they will appeal any decision against them, which means that again several months more with the flies and smells. How long is this going to go on? They state in the paper they would rather move then get rid of their animals. If that's the case I guess maybe you should recommend that they move to a more suitable environment for all the animals sakes, not just the neighbors sakes.



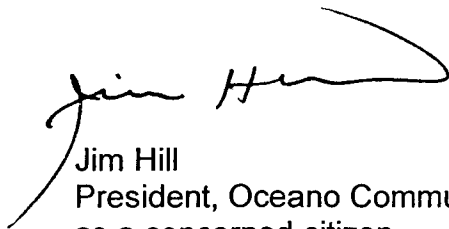
November 8, 2005

Honorable Members of the Planning Commission

Existing County regulations placing restrictions on numbers and types of animals in residential districts have made a positive contribution to public health and safety and have enhanced the quality of life in the unincorporated communities of the County. These regulations are well founded and reasonable and are mirrored by similar regulations in all of the incorporated cities where lot sizes and conditions are similar. These regulations have stood the test of time and no good cause exists that would warrant waiver or other means of circumvention. Even in rural areas where substantial acreage is available and such animals are permitted, there are reasonable restrictions on proximity to neighboring parcels that exceed the dimensions of residential lots.

As a resident of Oceano, I respectfully request your Commission support the denial of waiver as recommended by staff in the matter of pot-bellied pigs in the community of Oceano.

Sincerely,



Jim Hill
President, Oceano Community Services District,
as a concerned citizen

PLANNING COMMISSION

EXHIBIT:

McDougal #3

DATE:

11/10/05

DO NOT REMOVE FROM FILE

C2
02



San Luis Obispo County Sheriff's Department

Patrick Hedges

Sheriff-Coroner

P.O. Box 32
San Luis Obispo, CA 93406

April 23, 2004

rea Code:
(805)

Administration
:1-4540

Animal Services
:1-4400

Animal
Enforcement
:1-5484

Animal
Enforcement
:1-4547

Animal
Enforcement
:1-4600

Animal
Enforcement
:1-4500

Animal
Enforcement
:1-4550

Animal
Enforcement
:8-6083

Animal
Enforcement
:1-4550

Animal
Enforcement
:7-3000

Animal
Enforcement
:3-7100

Animal
Enforcement
:1-4553

Animal
Enforcement
:1-4575

Animal
Enforcement
:1-4533

Animal
Enforcement
:1-4140

Animal
Enforcement
:1-4588

Cheryl Mack
2791 Black Horse Lane
Paso Robles, CA 93446

Re: Classification of Pot Belly Pigs

In response to your request regarding the classification of Pot Belly Pigs, the Division of Animal Services considers these animals as exotic pets rather than livestock. If you have further questions, please contact our office at 805-781-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Anderson", written over a horizontal line.

Eric P. Anderson, DVM
Animal Services Manager

A handwritten signature in black ink, appearing to read "Cheryl Mack", written in a cursive style.



April 23, 2004

To: Heritage Ranch Homeowner's Association

From: Ann E Stacker, DVM

To Whom It May Concern:

Cheryl and Dennis Mack have been clients of mine since 2001. In addition to their two dogs and one cat, the Mack's have owned "Kirby," a Vietnamese pot-bellied pig since 1995. Pot-bellied pigs are much smaller than domestic livestock and are classified as exotic pets / companion animals within veterinary medicine. They are house-trained and are considered more intelligent, cleaner, and quieter than dogs.

If you have any questions, please contact me at Paso Petcare (805) 238-1091.

Sincerely,

Ann E. Stacker, DVM

To whom it may concern,

I am writing this letter in support of the McDougall's ownership of potbellied pigs in Oceano. As their veterinarian, I am very familiar with the type of husbandry they employ with their animals, and in my experience it is beyond reproach.

The McDougall family takes nuisance factors associated with potbellied pigs very seriously. The waste in their yard is cleaned up three times per day, resulting in fewer flies and less smell than most households (and their neighbors) owning dogs. "Vectors" was another nuisance problem Nancy Orton cited in her letter to the McDougalls. It is unclear to me what she specifically meant by this, as she didn't elaborate. To my mind, she must be alluding to flies (not an issue since feces picked up so frequently), fleas (a common vector of disease, but not an issue with potbellied pigs), mosquitos (no evidence has been reported associating any spread of disease from potbellied pigs to humans through this insect vector) and ticks (once again, no evidence of tickborne disease spread from potbellied pigs to humans - dogs would pose a much bigger threat, i.e. Lymes disease). I can imagine that with hundreds of potbellied pigs housed in someone's yard, soil compaction could lead to drainage problems, but not with the limited number of animals kept by the McDougalls. Although noise could be an issue, one must admit that barking dogs and yowling tomcats can reach decibel levels never even dreamed of by potbellied pigs.

There is no organized branch of veterinary medicine that considers potbellied pigs livestock. These potbellied pigs (when properly managed) weigh from 50-150 pounds, weights attained frequently by dogs.

Another issue we should address is the potential for spread of rabies. There is not one reported case of rabies in potbellied pigs in the peer reviewed literature. Although as mammals (technically), potbellied pigs could be susceptible and yet there is no evidence of susceptibility. They may be somewhat like rabbits in this way, i.e. technically susceptible but with no evidence of infection/transmission.

Should all households be allowed to keep as many potbellied pigs as they want? In my opinion, no. I think there could be a licensing process established (self supporting through license fees), with the possibility of oversight just as the folks with dog breeding permits are subject to.

I have yet another issue to bring up. Apparently, in this particular case, one neighboring household has complained about the McDougalls three times. The first two complaints were investigated and no action was deemed necessary and now this. I encourage the commission to be meticulous in sorting out emotional/personal reasons for complaints versus actual existence of a nuisance situation.

Sincerely,

Suzanne Hennessy, DVM

Suzanne Hennessy, DVM



November 9, 2005

My name is Holly Kelley and I have lived on my ten acres on the Nipomo Mesa for 38 years. I've owned many animals during that time. Many were pets such as dogs and cats. Some were horses and ponies. Most animals either laid eggs or ended up in the freezer or sold, such as sheep, goats, pigs and beef. We treated most of them as pets and felt sad when they had to be butchered or sold. Over the years I've raised thousands, we knew loving them was part of the picture. We appreciated the time we enjoyed them and knew we gave them a good life. I raised more pigs than any other animal and really liked them. They were gentle, smart & clean if given the chance. After I stopped raising them I really missed them. Animals we never butchered or had no intention of butchering or selling were pets. They were part of the family. Dogs & cats are in the house. Eventually I found I really missed pigs and found Jim & Julie and took one of their

(2)

Our pig
Willard

potbelly pigs for a pet. ~~He~~ ^{He} lives inside, trained to go potty outside just like the cat & dogs. He comes when called, hates the least just like a cat, eats with the dogs, sleeps on his pad, and loves to greet people. He runs loose and has never left the property. He greets hundreds of people a year ^{that} ~~to~~ come to our horse clinics and sheep herding clinics. Every adult & child loves to see him play dead and sit for treats. He is well mannered and sociable. We will never eat him, he will never lay an egg, produce wool or hide, never have milk - he is no more or less than a loved pet.

His breed is very small and has many characteristics that are different from ~~than~~ the butcher hog. He is very trainable, very smart and ~~is~~ ^{is} a wonderful pet. ^{potbelly pigs} ~~They~~ have many good points such as: they do not Bark like dogs, they don't use your flowerbed or garden for a litter box, they don't attack and bite like dogs. In the over

(3)

all assessment of this complaint I would say this situation needs to be put in the proper perspective and resolve the issue with mediation with the neighbors - just like any other pet issue.

Anyone who complains about a small clean pet that does not bark, ~~run~~ ^{or run} loose, ~~or bite~~ ^{or chase cars} ~~make noise~~, certainly isn't well informed or has hidden agenda.

I sincerely hope the other speakers and letters will add new light and information on the wonderful potbelly pig. I wish I had more time to describe what a joy Willard is and support Jim and Julie in their efforts to keep their beloved potbelly pig pets.

Sincerely

Holly Kelley

481-8615

C2
60

November 9, 2005

To Whomever it May Concern,

I am writing this letter in support of Jim and Julie McDougall in their fight to keep the members of their family together and in the hopes that the Planning Commission will allow them to keep their potbellied pigs.

My husband, Rod Kalpakoff, and I have entrusted Julie McDougall to care for our 2.5 year old daughter Raquel, from time to time, while we both work full time from our home for a high tech company, Comergent Technologies, based in Redwood City. I attended university at UC Berkeley with a degree in Economics, and my husband attended Cal Poly with a degree in Computer Science.

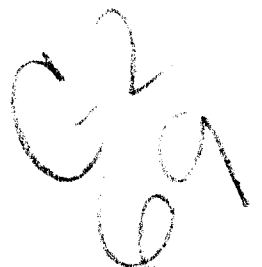
We feel our current relationship with the McDougall family is highly relevant to the controversy over their pigs. I am sure the court can appreciate that as a mother, the safety and happiness of my children is a top priority in my life. I would never willingly put my daughter (or her new sister born November 3rd, 2005) in any danger or volatile situation. I have been to the McDougall household on several occasions, and have been very satisfied with the cleanliness and friendliness of all the pets on their property. The McDougall family keeps their house and property extremely clean and I have not encountered any unpleasant odors, or excessive flies, on any of my visits. My daughter Raquel plays with all the animals, and in particular likes to roam the grounds with their sweet tempered pot bellied pigs. These pigs are very much like mid-size dogs, and in fact, our Samoyed is much larger than any of them. They don't have the fur our pets have, and are thus much cleaner animals than my own dog and cat. I have also been very surprised at how quiet these pigs are, something that my own dog could learn from!

These animals are not "farm animals" in their size, in their relationship with the family, or by any other category I can come up with. They are very clearly loved pets of the McDougall family, and I trust them to the extent of letting my most cherished possession, my daughter, spend several hours at a time with them.

I appreciate the opportunity to express my support of the McDougall family and am available to address any questions that may arise regarding this letter.

Sincerely,

Kathleen Kalpakoff
255 Baron Canyon Ranch Road
San Luis Obispo, CA 93401
(805) 788-0177

A handwritten signature in dark ink, appearing to read 'K. Kalpakoff', located in the bottom right corner of the page.



P.O. Box 471, Pismo Beach, CA 93448
(805) 709-HOOF(4663) & (805) 489-PAWS(7297)
www.hoofandpawpetsitters.com

November 9, 2005

Mr. Jim and Julie McDougall
1730 Peacock Place
Oceano, CA 93445

Dear Mr. Jim and Mrs. Julie McDougall,

Re: Keeping Domestic Animals in a Residential Neighborhood

This is in response to your request for my comments on the keeping of domestic animals on your residential property at the above address. I am glad to share my observations.

I am a professional pet sitter dba Hoof & Paw Pet Sitters. Several months ago you hired me to care for your pets. The animals I cared for are: 4 mature potbelly pigs, one of them a rescue (being properly cared for after a home of neglect), 4 mature dogs (2 basset hounds, one blood hound, and one chow mix), 1 small bird in a cage, and 2 mature cats.

Your home is located at the end of a private driveway in a predominately residential neighborhood. However, your house is situated on one of the larger older more rural lots. The lot is bordered by a strong "no climb" fence in the front. Along the side and behind the house a six-foot paneled wooden fence borders the property in apparently good condition.

Under my care, the dogs were kept in the backyard, which is separated from the front of the property by a 5 or 6-foot chain-link fence with a gate that latched. The rescue pig is isolated in the backyard in it's own private pen located in the corner to the right when facing the rear fence. The three healthy pigs are kept in the large front portion of the property. The two cats come and go as they please and are encouraged to be kept in the house when it gets dark. The bird remains in the cage located in the front room by windows in the house. At night the 2 basset hounds and the bloodhound are kept in separate kennels (kennel is a plastic dog carrier) located in a canvas garage located in the front yard by the driveway. The chow mix is kept in the house for bedtime.

My job was to come on site 3 times a day. In the morning I arrived at 7:45 A.M. for an hour visit. For dinner I arrived at 5:00 P.M. for another hour visit. Then I was to come back at 9:45 P.M. for fifteen minutes to put the animals in at night and check on their safety.

It appears to me that they are being properly cared for since medications and detailed instructions for their care were included in my assignment.

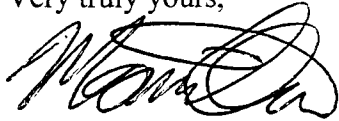
Based on my observation at that time, the two possible ways your neighbors could have been annoyed by the presence of these animals was through odors or by noise. I did not notice any offensive odors while I was conducting the above tasks. I cleaned the dog and the pig yards everyday thoroughly. The second way that the presence of these animals could have offended neighbors would be through noise (barking, squealing,

A handwritten signature in dark ink, appearing to be "C/O", is located in the bottom right corner of the page.

meowing, etc.). I did observe noise from the dogs and pigs. The dogs barked upon my arrival until I came in their yard. I did not observe the dogs make any continuous noise after they had settled down. The pigs made cute small grunting noises when I was in there presence. In anticipation, they grunted to get their food (carrots). As with the dogs, after their initial excitement, the pigs settled down and stopped making noise except for occasional low grunts.

With respect to all these things that I have described, it is my opinion that none of them constitute separately or in the aggregate a nuisance to the adjacent neighbors. However, I was only there a total of 2.25 hours per day and did not observe them for an entire day. Still, from what I did see, I would not think that a full day's observation would result in a different opinion.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Monica Ourston', with a large, stylized flourish at the end.

Monica Ourston, Owner
Hoof & Paw Pet Sitters

A handwritten mark or signature in the bottom right corner, possibly initials, consisting of a large 'C' and a vertical line.

Oceano Planning Commission
November 9, 2005

Dear Planning Commissioners:

I am writing this letter in support of Jim & Julie McDougall being permitted to keep their Vietnamese Pot Bellied (pet) pigs.

These pigs were introduced into the country in 1985 as the new urban pet and were very popular for a number of years. Pigs are known to be intelligent, clean, quiet and endearing animals. Their "bathroom" habits are fastidious and if they have the choice will not soil their eating or sleeping area, but will choose a site well away from their quarters and will use it faithfully. A mother pig will teach her piglets to use the "proper" spot. Their pellets are dry little round balls that smell slightly earthy and aren't nearly as unpleasant as those of dogs and cats and are easy to collect and discard. The urine can be neutralized by the application of hydrated lime or another pet product called "Nature's Miracle". Many pet pig owners train their pigs to use a litter box or area which can be cleaned up and disposed of.

Pigs are very quiet animals and the most one usually hears is soft grunting or the all-out smack-smack-smacking when they're eating. They are also known to slurp and burp from time-to-time. They are seldom, if ever, heard to squeal unless they're in danger or being hurt.

Pigs are herd animals that bond deeply with other companion animals and care-givers. They learn tricks in a blink and also learn by observation and association. Fourth on the scale of intelligence after humans the pig doesn't deserve its reputation.

Although pot bellied pigs aren't a pet for everyone, to those of us who enjoy their unique characteristics and their ability to make us smile, they are precious beyond words. The bond, in effect, works both ways.

Jim & Julie did their homework before bringing their pigs home by checking with the "powers that be" and were told it would be permissible to keep pigs on their Oceano property. They are one of the few responsible pet owners who did the right thing and made sure they were following the rules.

Many municipalities and jurisdictions in California and throughout the country have recognized the pot bellied pig as a pet and legalized them. It is my sincere hope and prayer that you rule in favor of the pot bellied pig in your county.

At the very least, please consider a grandfather clause for those, like Julie & Jim McDougall who were mis-informed by officials and don't deserve to be penalized by the system. Please allow them to live out their lives in the company of those who love and care about them.

Thank you for your kind consideration,

Sue Parkinson
P.O. Box 924, Solvang, CA 93464

A handwritten signature in black ink, appearing to be 'Sue Parkinson', located at the bottom right of the page.



Handwritten signature or initials, possibly 'CJ' or 'CJ3'.

To Whom It May Concern:

My name is Cheryl Mack. I live in the city of Paso Robles, Heritage Ranch. Our association is governed by the harshest C. C. & R's (Covenants, Conditions and Restrictions) in the county of San Luis Obispo (The same as Pebble Beach). We have lived here since 1997. We moved from Orange County with our three children, dog, cat, and pot belly pig.

In April 2004, we received a notice to comply with a 30 day period to get rid of our pig. The Citation number was 10885, Violation of CC & R's Article XI Section II. We had asked permission before moving into our home to keep our pot belly pig, and were told there would be no problem. Kirby (our pig) is part of our family, I was not going to lie down and let Heritage Ranch win.

I read in the Tribune the ordeal the McDougall family was going through, and called to see if I could help. I sent them copies of the documents I obtained while fighting to keep our pig. We won our case and Kirby is alive, well and not bothering anybody.

I hope with all my heart and soul that the McDougall family be able to keep their family also. If I need to be contacted, my phone number at home is 227-0578, work 239-2500.

Sincerely,

Cheryl Mack

Cheryl Mack 11/9/05

CMX

Dear Planning Commission members,

I am in Calvert County, Maryland, which is a suburb south of Washington, D.C. We are in the process of revising our Zoning Ordinances, and one of the subjects we are addressing with the re-write is the subject of keeping of domestic and farm animals in the County.

I received an email with a newspaper article <http://www.sanluisobispo.com/mld/sanluisobispo/news/local/12882833.htm> which indicated that potbellied pigs in residential neighborhoods would be the subject of an appeal to your Planning Commission. My purpose in writing to you today is to offer information as to how we are addressing this in our ordinance rewrite in Calvert County.

I am a member of the Board of County Commissioners in Calvert County, a position in which I have served for the last eleven years. (Perhaps you call them Supervisors in your County? At any rate, we are the governing local County government body.) We have a number of potbellied pig owners in the County who live in the various categories of residential neighborhoods. While we have had no local disputes such as the one with which you are dealing, we recognize that potbellied pigs are NOT your garden variety of farm pigs/hogs. Rather, they are domestic pets which cause no neighborhood disturbances, such as we receive with barking dog complaints, etc.

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We have found that if we try to provide a list of permitted/not permitted animals in a specific category, it is almost impossible to be all inclusive. Therefore, we are adopting the definitions shown above to provide a more comprehensive approach to the subject. I hope this might be of some value to you in your upcoming decision making regarding the instant case.

If I can be of any assistance, please do not hesitate to contact me.

Best regards,

Linda L. Kelley

Board of County Commissioners

Calvert County, Maryland

kelleyll@co.cal.md.us (courthouse)

ltkelly@comcast.net (home)

A handwritten signature in black ink, appearing to be 'L. Kelley', written in a cursive style.